

Fire Hose Reels:

Fire hose reels presently exist in the locations indicated on the drawing F1. These shall remain as is.

No new fire hose reels shall be provided.

Fire Extinguishers:

Fire extinguishers presently exist in the locations indicated on the drawing F1. These shall remain as is.

A new fire extinguisher shall be provided in the cafeteria .

Mezzanine floor:

The existing mezzanine floor is partly concrete, supported by concrete block walls, partly timber framed lined on the underside with plasterboard. This shall remain as is.

The existing steel posts supporting the timber framed mezzanine floor shall also remain as is.

Any new light fittings shall be surface mounted fittings.

The existing light fittings beneath the existing ceiling are surface mounted.

Stairs:

The existing stairs presently include a handrail on at least one side. These shall remain as is.

The stairs are presently lined on the underside with plasterboard. This is in good condition and shall remain as is.

The existing light fittings are surface mounted.

Any new light fitting shall also be surface mounted.

Surface Finishes

The interior surface finishes on the ceilings and walls are to have the following maximum SFI's and SDI's:

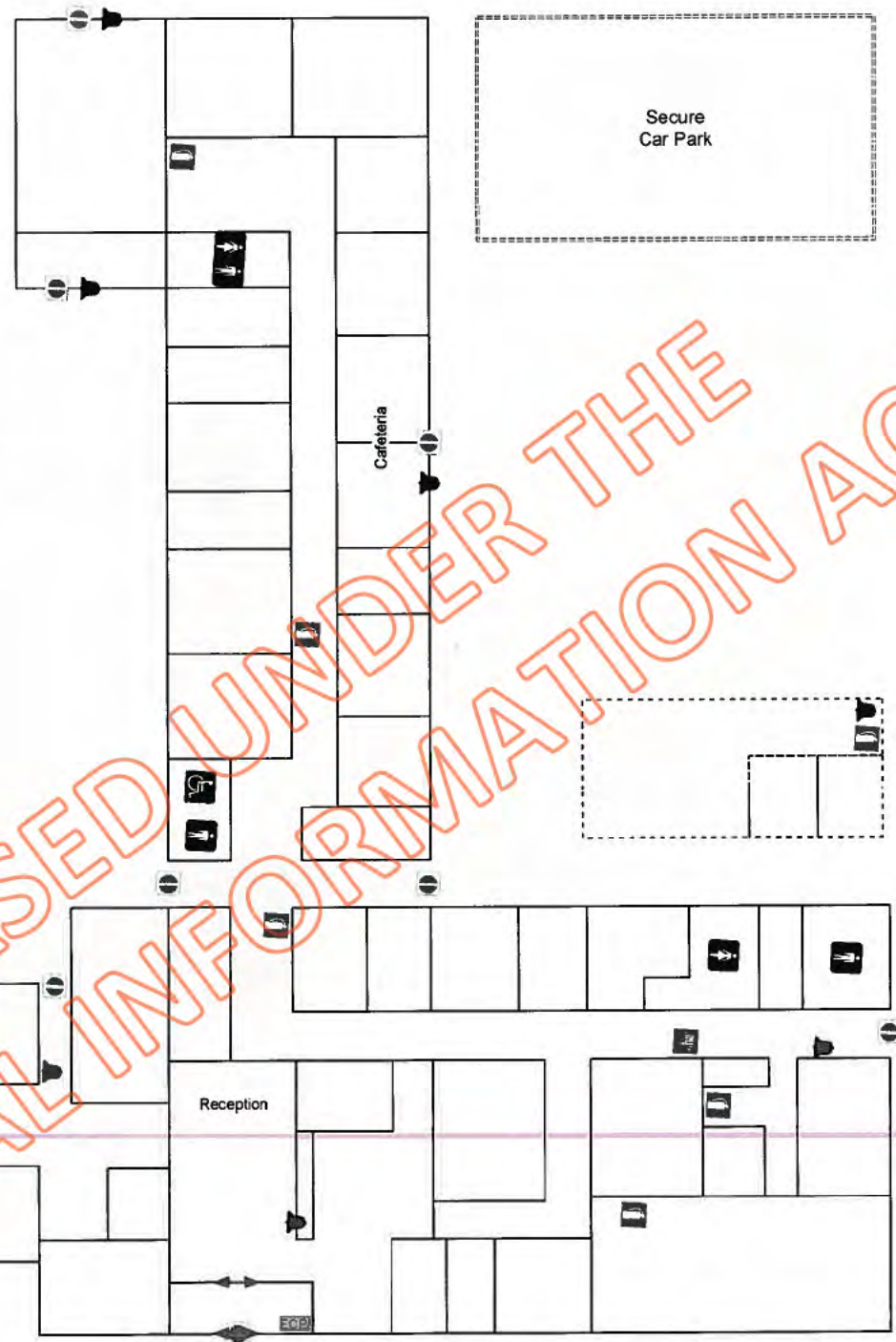
	Stairway	Other areas
Stairway	7	5
All other areas	5	10
or	9	8

Foamed Plastics









Any foamed plastics used shall be protected from ignition by a flame barrier.

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Amberley Office Plan



Legend

- | | | |
|--|---|--|
|  Toilets |  Fire Extinguisher |  Fire Alarm |
|  Exit |  Fire Hose |  FCP Fire Alarm Control Panel |
|  Automatic sliding doors | | |
|  Mechanical ventilation throughout building | | |

From: Kerry Walsh <Kerry.Walsh@hurunui.govt.nz>
Sent: Monday, 11 April 2016 3:26 p.m.
To: Gary Higham
Cc: Andrea Taylor
Subject: FW: 2015 Hurunui DC tech review - progress on implementing the report recommendations [UNCLASSIFIED]
Attachments: CS0009 - Compliance Schedule.pdf

Hi Gary

Sorry for the delay - I have just realised that I have not sent you a reply to your email a few weeks back. You can see below what we are currently doing. We have employed an additional person for 6 months to cover Andrea's work which has enabled her to carry the changes required by your audit (completion date by 28/05/16).

Andrea has attached an example of one that she has completed, further examples can be provided if required. If you see anything in there that needs further rectification please do not hesitate to get back to me or if you have any questions.

Cheers

Kerry Walsh

Team Leader – Building

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HURUNUI
District Council



"Making our district even better"



Please consider the environment before printing this email.

From: Andrea Taylor
Sent: Monday, 11 April 2016 3:12 PM
To: Kerry Walsh <Kerry.Walsh@hurunui.govt.nz>
Subject: FW: 2015 Hurunui DC tech review - progress on implementing the report recommendations [UNCLASSIFIED]

Andrea Taylor

Building Administration Officer

Phone 03 314 8816 | DDI 03 314 0107 | Fax 03 314 9181
Email andrea.taylor@hurunui.govt.nz | Web hurunui.govt.nz
Mail PO Box 13, Amberley 7441

From: Andrea Taylor

Sent: Tuesday, 15 March 2016 3:42 p.m.

To: Kerry Walsh

Subject: RE: 2015 Hurunui DC tech review - progress on implementing the report recommendations
[UNCLASSIFIED]

Currently updating all compliance schedules to include:

Classified use (and layman's description)

Risk group

Activity group

Deleting from them purpose group and highest FHC.

Including areas under the systems area called Make, Model and Location to give more information on the specified system installed.

With these changes we believe that the compliance schedules should now satisfy the requirements of the building amendment act 2012.

Where possible we are attaching any fire reports and are also going to include a floor plan to show where the specified systems are located within the building. Currently we are working our way through doing the paper side of things, but inspections will be completed on buildings that we need to find extra details.

An email was sent to MBIE with a copy of what we hope to achieve for all buildings – copy of this is attached. It is our intention to make these available on line so that IQP's can access these easily.

Policies and procedures – once the compliance schedules have been all updated, it is our intention to begin to put together a TA manual to outline these areas.

Public information has been updated with links to MBIE and available on our website.

Site audits - while updating the compliance schedules I am making a note of the last audit date on the building along with if it passed or failed. Once all compliance schedules are updated, the intention is to get these organised into high risk or low risk groups and to put them onto either 3 or 5 years cycles for the auditing process.

We will also need to look at engaging a suitably qualified person by the end of 2016 to complete a walk-through of the building rather than just a paper audit.

Andrea Taylor

Building Administration Officer

Phone 03 314 8816 | DDI 03 314 0107 | Fax 03 314 9181

Email andrea.taylor@hurunui.govt.nz | Web hurunui.govt.nz

Mail PO Box 13, Amberley 7441

From: Kerry Walsh
Sent: Monday, 14 March 2016 12:47 p.m.
To: Andrea Taylor
Subject: FW: 2015 Hurunui DC tech review - progress on implementing the report recommendations
[UNCLASSIFIED]

Here it is. Can you please draft up a reply and forward back to me. Maybe list all of the issues raised and how we have/are resolving them.

Thanks

From: Gary Higham [mailto:Gary.Higham@mbie.govt.nz]
Sent: Monday, 14 March 2016 12:43 PM
To: Kerry Walsh <Kerry.Walsh@hurunui.govt.nz>
Cc: Mike Reedy <Mike.Reedy@mbie.govt.nz>
Subject: 2015 Hurunui DC tech review - progress on implementing the report recommendations [UNCLASSIFIED]

Hi Kerry

Hope you had a good weekend.

Just confirming today's telephone conversation – could you please provide a written update on how HDC is going in implementing the recommendations of our technical review report of 17 August 2015.

Regards - Gary

Gary Higham
SENIOR ADVISOR, CONSENT SYSTEM TEAM

Building System Performance Branch - Building, Resources and Markets Group
Ministry of Business, Innovation & Employment

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**BUILDING
PERFORMANCE**



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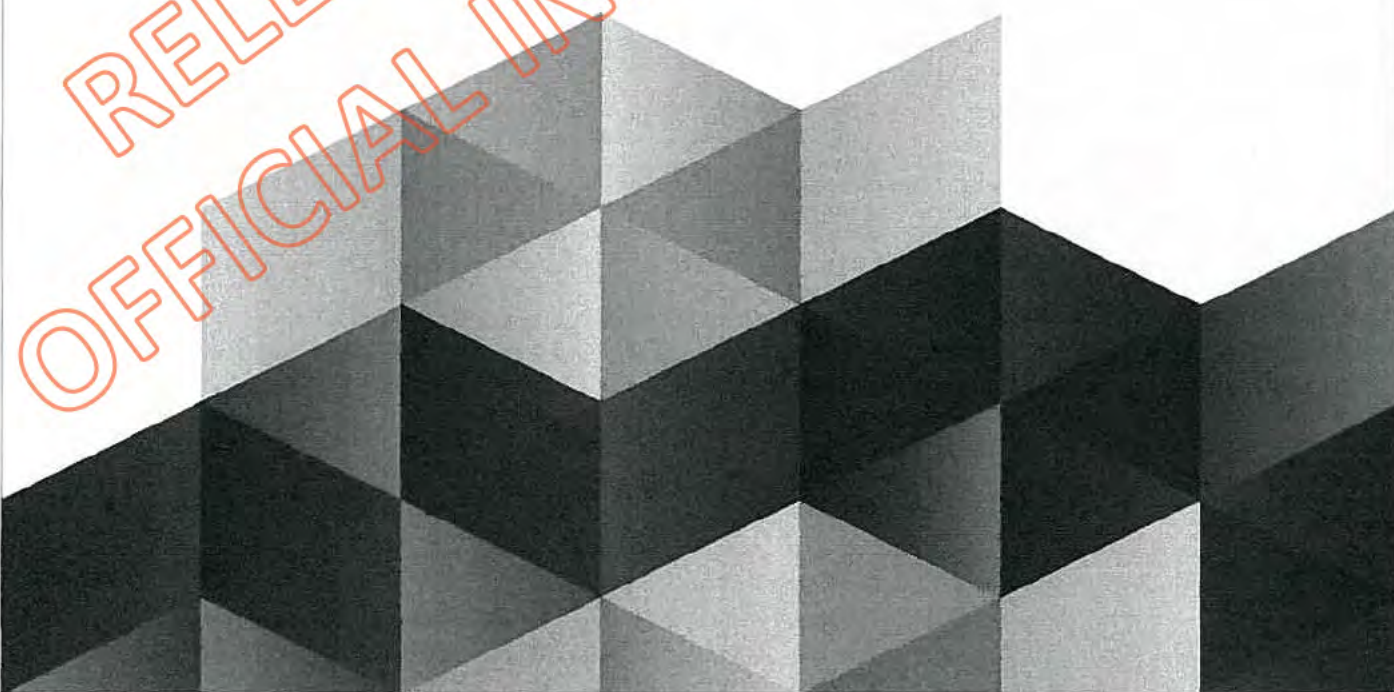
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**BUILDING
PERFORMANCE**

Ministry of Business, Innovation & Employment's Technical Review

Kaikoura District Council (12 – 14 Oct 2016)



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATŪTUKI

New Zealand Government

Context

The Ministry of Business, Innovation and Employment (MBIE) carries out technical reviews of territorial authority (TA) functions as part of its ongoing performance monitoring function under the Building Act 2004.

Purpose

The purpose of the technical review was to monitor and assess the performance of Kaikoura District Council (KDC) in several of its TA functions - amending compliance schedules not captured by the building consent process, the enforcement of the building warrant of fitness (BWof) system, which includes on-site audits, notices to fix (NTFs) and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

Approach

2 members of MBIE's Consent System Team (Mike Reedy and Clare Botha) undertook a 2.5 day technical review visit of KDC on 12-14 Oct 2016.

Before the visit, KDC provided the following statistical information.

	Subject	Total for the stated period
1	Buildings with compliance schedules at 31 August 2016	91
2	Amended compliance schedules issued 13 March 2012 to 31 August 2016	Unable to provide
3	On-site BWof audits carried out 13 March 2012 to 31 August 2016	1
4	NTFs for compliance schedule and BWof matters issued 31 March 2005 to 12 March 2012	Unable to provide
5	NTFs for compliance schedule and BWof matters issued 13 March 2012 to 31 August 2016	2
6	Infringement notices for compliance schedule and BWof matters issued 1 July 2008 to 12 March 2012	Unable to provide
7	Infringement notices for compliance schedule and BWof matters issued 13 March 2012 to 31 August 2016	1

During the course of the technical review visit, KDC staff member (Jacqui Marsden) accompanied MBIE on a total of 7 on-site BWof audits/inspections for a range of building types. The inspections were of the following buildings:

1. The Whaler, 49-51 West End, Kaikoura
2. New World Supermarket, 124-128 Beach Road, Kaikoura
3. Memorial Hall, 34 Esplanade, Kaikoura (KDC-owned building)
4. Kaikoura Suburban School, 419 Schoolhouse Road, Kaikoura
5. Kakatu Retreat, 21 Greenburn Way, Kaikoura (Example of a compliance schedule for a recent new-build, currently operating under a compliance schedule statement)
6. Kaikoura Gateway Motorlodge, 18 Churchill Street, Kaikoura (Example of a recently amended compliance schedule)
7. Kaikoura Boutique Hotel, 146 Esplanade, Kaikoura

Findings

Positives

Staff and training

- KDC have a nominated Technical Support and Compliance Officer whose duties include compliance schedule and BWoF matters, plus other TA and BCA functions, as part of their role (eg swimming pools and building consent administration). On average, the Compliance Officer spends about 2hrs, or 5% of their week, undertaking compliance schedule and BWoF work. The officer has 12 months experience in this role.
- The Compliance Officer has attended the South Island IQP forum.
- KDC staff (generally the Regulatory Team Leader and sometimes other Compliance Officers) regularly attend sector meetings with other TAs/BCAs in the region (ie Mainland BCA Cluster for South Island BCAs north of Timaru). These meetings, 3 per year, are generally held at Rangiora or Lincoln.

Public information

- KDC provide some information about compliance schedule and BWoF matters on its website.

Building Amendment Act 2012

- Based on the small sample of compliance schedules viewed by MBIE, 'non-specified systems', also known as 'the old passives' (eg access/facilities for persons with disabilities, fire hose reels, safety barriers) have been removed from existing compliance schedules. KDC were unable to confirm if all 'old passives' have been removed and MBIE recommend that a scoping exercise (as detailed over the page) is carried out to confirm this.

BWoFs

- KDC is proactive and sends out BWoF reminder letters to owners one month before the BWoF expiry date.

NTFs and infringement notices

- Have, and will issue NTFs and infringement notices for compliance schedule/ BWoF matters, when necessary.

On-site BWoF audits

- KDC's policy has a key performance indicator (KPI) of carrying out 20% BWoF audits per annum. However, KDC have only completed 1 on-site BWoF audit since March 2012.
- Appreciated the fact that KDC recognised MBIE's visit as a learning opportunity to see first-hand the challenges and benefits of undertaking on-site audits, which included a rapid 'walk-through' of the building.

Policies and procedures

- KDC have a policy and procedure for some compliance schedule and BWoF matters (documents TM-27.1, TM-27.2, TM-27.3 and TM-28.1 refer).

Opportunities for improvement

Over-arching comments

- There is a need for KDC to undertake a scoping exercise to ascertain the number of its 90-odd compliance schedules which are yet to be amended to comply with the building-specific requirements of the Building Amendment Act 2012 (ie detailed specified system descriptions, detailed inspection, maintenance and reporting (IMR) procedures and removal of 'non-specified systems').

Once the scoping is complete, KDC should resource as necessary to amend these compliance schedules as soon as possible.

Note - more details about compliance schedules are provided in the next section.

Compliance schedules

- The key issue is that the Building Act 2004, as amended by the Building Amendment Act 2012, requires a compliance schedule to:
 - a. list the specified systems
 - b. have a detailed description of each specified system
 - c. list the performance standards for each specified system
 - d. list the IMR procedures for each specified system.
- It is believed the majority of KDC's compliance schedules (number to be confirmed) do not satisfy the requirements of the Building Amendment Act 2012, as they do not have detailed specified system descriptions and specific IMR procedures. Compliance schedules were required to be amended to include this level of detail by **March 2013**. KDC needs to actively seek this information from building owners (eg by contacting them and/or visiting them advising them of their obligations or undertake on-site audits and get the information itself).

If owners (or their agents/independent qualified persons (IQPs)) do not provide the required information in a timely manner, KDC should consider issuing NTFs, and if these NTFs are ignored, proceed to issue infringement notices (\$1000 infringement fee). It can waive payment if prompt compliance is achieved;

- Although not a prescribed form, it is suggested that the following amendments be made to the compliance schedule template:
 - For 'Current, lawfully established use', populate with 'Classified use(s)' from Building Code clause A1 (eg 'Commercial') plus a lay-person's building-type description (eg 2 level restaurant and bar);
 - Include occupant numbers for each level, if known;
 - Always include original issue date (including year), dates of any amendments (plus brief description or reason), page numbers, total number of pages in the compliance schedule (including any attachments);
 - Make as building-specific as possible (eg provide more detail about specified system/ type/ brand/ model/ serial number/ location/ performance standard (including year). In many instances multiple performance standards were stated. Furthermore, it should be noted that in general terms, Building Code clauses and 'as per Compliance Schedule Handbook' are inappropriate performance standards for inclusion in a compliance schedule. Delete any text that does not apply (ie not relevant);
 - In the case of SS7 (automatic backflow preventers) associated with fire sprinklers (SS1), it is recommended in the interests of clarity, that the backflow preventer is

mentioned in both specified systems (ie cross-referenced) and it clearly identifies which party is responsible for undertaking the IMR requirements;

- Allow for the attachment of plans, specified system data sheets, fire reports, photos of alarm panel schematics etc, to assist those not familiar with the building. Ensure adequate cross-referencing is provided within the main body of the compliance schedule so that it is clear that the attachment is an integral part of the compliance schedule (eg 'as per attached drawing xx/yy').

(MBIE handed a good practice compliance schedule template to KDC).

Policies and procedures

- KDC have a policy and procedure for some compliance schedule and BWoF matters, however, KDC should consider a policy and procedure for amending compliance schedules not captured by the building consent process to comply with the Building Amendment Act 2012.
- Remove reference to 'licensed building practitioners' in document TM-27.3

Building consent information gathering

- Ensure building consent applicants provide detailed specified system descriptions, and the proposed IMR procedures for these systems as part of the building consent application (including interfacing systems). Refuse to accept the application for processing if this information is not provided (as part of the s45(g) Building Act 2004 check). The quality of the compliance schedule is dependent on the quality of specified system information supplied at building consent application time. (Refer to the definition of 'plans and specifications' under s7 of the Building Act 2004).

Unoccupied buildings

- Although KDC require a BWoF for unoccupied or vacant buildings with a compliance schedule, MBIE is of the view that there are 2 options available:
 1. decommission and remove the specified systems (which is generally impractical); or
 2. amend the compliance schedule to reflect an agreed reduced IMR procedures (between the TA and owner) for all installed specified systems. If the second option is not put in place, any BWoF issued, is technically invalid, because the IMR procedures of the specified systems have not been carried out in accordance with the compliance schedule.

Forms

- Ensure all prescribed Forms, for example, Form 10, 11, 12 and 15 comply fully with the Building (Forms) Regulations 2004. (MBIE provided KDC with 'marked-up' copies for their consideration).

Public information

- Consider enhancing the public information relating to compliance schedules and BWoFs on KDC's website by including a link to MBIE's guidance documents *Compliance Schedule Handbook*¹ and *Owners responsibilities to ensure their buildings are safe to use*². Suggest hard copies of these MBIE guidance documents be made available at the front of house and perhaps send to new owners of buildings with compliance schedules and/or with BWoF reminder letters.

¹ <http://www.building.govt.nz/assets/Uploads/building-code-compliance/handbooks/compliance-schedule-handbook/Compliance-schedule-handbook-amendment-3.pdf>

² <http://www.building.govt.nz/managing-buildings/managing-your-bwof/owner-responsibilities-about-bwofs-and-compliance-schedules/>

Draft compliance schedules

- MBIE believe it is best practice to issue a draft compliance schedule or draft amended compliance schedule with the building consent (Form 5). A draft is particularly useful when a certificate for public use (CPU) is issued (refer to page 7 of MBIE's guidance document *Compliance Schedule Handbook*). As well as stating an expiry date and the need to publicly display the CPU, it should be conditioned to require the specified systems to be inspected, maintained and records kept, in the interim, in accordance with the draft compliance schedule until such time that the final compliance schedule can be issued with the code compliance certificate. (The draft compliance schedule is also a useful checklist/reference document which will assist the building inspector when undertaking the final inspection).

On-site audits

- Always include a 'walk-through' of buildings to visually confirm that all installed specified systems are on the compliance schedule. Other than checking the accuracy of the compliance schedule, these audits also allow the authenticity of IQP's paperwork to be assessed and the currency of the BWoF (or compliance schedule statement) to be checked. It is also a chance to educate building owners 'face to face' about their legislative responsibilities.

An example of the benefit of on-site audits was Kaikoura Suburban School, where there was exit signage on all doors, some of which would have lead occupants to collide with each other in an evacuation. Another was The Whaler, where a designated escape route was padlocked, therefore preventing exit from the building. It is useful when situations like this are found to clarify with the owner to ensure that these exits are unlocked when the building is in use.

- MBIE's view is that it is good practice to have a 3 to 5 year audit cycle (20-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. Therefore, for instance, it might be appropriate to have annual audits for budget accommodation (eg backpackers' hostel) and 5 yearly audits for low-occupancy industrial buildings.
- 2 buildings audited required compliance schedules to be altered, to add and/or delete specified systems or include different types of a given specified system. For example, at New World Supermarket, emergency power system for a system or feature (SS14/1) was omitted, and a current BWoF was not on display. While at Memorial Hall, signs relating to a specified system (SS14/2) and fire separations (SS15/3) were included where there was no evidence of either system. (A copy of a 'marked-up' compliance schedule and copies of MBIE's completed audit sheets for all 7 buildings were handed to KDC).
- For SS9 – Mechanical ventilation, installed at the Kaikoura Boutique Hotel, MBIE suggest that the type of kitchen extract system is established and that KDC seek confirmation whether the accommodation bathroom extracts are interconnected, including the position of the ventilation discharge outlet point. If bathroom ventilation is not interconnected, there is no requirement for bathroom ventilation systems to be on compliance schedules.
- Inspect penetrations through fire/smoke separations whenever possible (although difficult, as passive fire protection is a specialist area and difficult to identify without drawings/fire reports attached to the compliance schedule).

BWoFs

- Ensure all supplied BWoFs are checked against the compliance schedule, 12As and IQP register.
- Also ensure all prescribed information is provided and appropriate. It was noted that some of the fields on the BWoFs were populated with inappropriate text (eg 'as per latest compliance schedule') or simply left blank.

Notices to fix (NTFs)

- When issuing NTFs, consider inserting the actual Building Act 2004 text to which the non-compliance refers. Paraphrasing can unintentionally lead to a change of interpretation and could possibly result in the NTF being technically challenged. Contraventions, observations and comments should be limited to the covering letter only.

Infringement notices

- Consider issuing infringement notices for all 5 compliance schedule/BWoF infringement offences as stated in Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007. These offences include failure to supply a BWoF to the TA, which was introduced on 1 January 2015. If prompt compliance is achieved, the TA has the option to waive the payment of the infringement fee.

Staff training

- Provide targeted compliance schedule/BWoF training to all relevant staff (eg administration and building control officers).
- Consider attending regularly meetings with other TAs (ie South Island IQP registration panel) to develop a regionally consistent approach to compliance schedules and BWoF matters.

Next steps

At the conclusion of the 2016-17 round of technical reviews (14 TAs scheduled), MBIE will write and publish a report on its website which will summarise the review team's findings and any trends that have emerged so that TAs can check, adopt or modify their existing practises.

As the 2014-15 round of technical reviews dealt with the same terms of reference as the current round, you may be interested in reading last year's key review findings and recommendations which were published in the December 2015 (refer to <https://www.building.govt.nz/building-officials/technical-reviews/summary-of-the-20142015-technical-review-programme/>).

MBIE will do some form of follow-up with KDC during the 2016-17 financial year, which commenced on 1 July 2016, to assess progress in dealing with the recommendations of this report.

In the meantime, could KDC please supply MBIE, by **Friday 31 March 2017**, with the following statistical information for the period 17 October 2016 to 17 March 2017:

- Amended compliance schedules issued
- On-site BWoF audits carried out
- NTFs for compliance schedule and BWoF matters issued
- Infringement notices for compliance schedule and BWoF matters issued.

Acknowledgement

MBIE would like to thank KDC's building control management and staff for its cooperation and assistance during the technical review. We trust you have found the review to be of some value and have seen it as an opportunity to improve some of your building control activities.



Mike Reedy
Senior Advisor (Consent System Team)

19 October 2016

**BUILDING
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Ministry of Business, Innovation & Employment's Technical Review

Mackenzie District Council (14-15 Dec 2016)

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MINISTRY OF BUSINESS,
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New Zealand Government

Context

The Ministry of Business, Innovation and Employment (MBIE) carries out technical reviews of territorial authority (TA) functions as part of its ongoing performance monitoring function under the Building Act 2004.

Purpose

The purpose of the technical review was to monitor and assess the performance of Mackenzie District Council (MDC) in several of its TA functions - amending compliance schedules not captured by the building consent process, the enforcement of the building warrant of fitness (BWoF) system, which includes on-site audits, notices to fix (NTFs) and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

Approach

2 members of MBIE's Consent System Team (Mike Reedy and Gary Higham) undertook a 2-day technical review visit of MDC on 14-15 December 2016.

MDC provided the following statistical information.

	Subject	Total for the stated period
1	Buildings with compliance schedules at 31 October 2016	150 approx
2	Amended compliance schedules issued 13 March 2012 to 31 October 2016	0
3	On-site BWoF audits carried out 13 March 2012 to 31 October 2016	0
4	NTFs for compliance schedule and BWoF matters issued 31 March 2005 to 12 March 2012	0
5	NTFs for compliance schedule and BWoF matters issued 13 March 2012 to 31 October 2016	0
6	Infringement notices for compliance schedule and BWoF matters issued 1 July 2008 to 12 March 2012	0
7	Infringement notices for compliance schedule and BWoF matters issued 13 March 2012 to 31 October 2016	0

During the course of the technical review visit, MDC staff (from Nathan Hole, Peter Robinson and Leaine Rush) accompanied MBIE on a total of 4 on-site BWoF audits/inspections for a range of building types. The buildings were the following:

1. Youth Hostel Association, 2-3 Lakeside Dr, Lake Tekapo
2. Lakestone Lodge, 4589 SH8, Pukaki (example of recent new-build compliance schedule, currently operating under a compliance schedule statement)
3. Kohan restaurant complex, SH8, Lake Tekapo
4. Fairlie Early Learning, 19 Hamilton St, Fairlie.

Findings

Positives

Overarching comment

- MDC are aware and acknowledge their shortcomings in the compliance schedule/BWoF area of building control.
- Most recently issued compliance schedule viewed by MBIE (ie Lakestone Lodge) is a marked improvement on earlier issued compliance schedules.

Staff and training

- MDC send a representative to most meetings of the South Island Independent Qualified Person (IQP) Registration Panel at Timaru.
- Manager Planning and Regulations attends, whenever possible, meetings of the Southern Building Control Group (SBCG), ie building consent authorities/TAs from Timaru and southwards.
- From January 2017, MDC will have 2 staff members (Grant Hyde and Peter Robinson) who have some experience with specified systems and compliance schedules.

Forms

- MDC use the template developed by the SBCG in order to capture relevant and appropriate inspection, maintenance and reporting (IMR) procedures for each of the building's specified systems.

Draft compliance schedule

- MDC have recently implemented a policy of issuing a 'draft compliance schedule' with the building consent (Form 5).

On-site BWoF audits

- Although MDC do not undertake on-site BWoF audits, MDC recognised MBIE's visit as a learning opportunity, and it was particularly appreciated that the Manager Planning and Regulations accompanied MBIE on an audit to see first-hand the challenges and benefits of undertaking such audits, which included a rapid 'walk-through'.

Opportunities for improvement

Over-arching comments

- There is a need for MDC to undertake a scoping exercise to ascertain:
 - how many of its 150-odd compliance schedules are yet to be amended to comply with the building-specific requirements of the Building Amendment Act 2012 (ie removing all the 'non-specified systems' and providing detailed specified system descriptions and IMR procedures) - MDC believe almost all need to be amended.
 - what is an appropriate on-site BWoF audit regime to comply with the TA's role to enforce the BWoF system under the Building Act 2004 (s12(2)(h) refers).

Once the scoping is complete, MDC should resource as necessary to amend these compliance schedules as soon as possible. MBIE would recommend nominating a single staff member as a coordinator of all compliance schedule/BWoF matters. It was noted that MDC's current IT system (ie Napier Computer System - NCS) does not have reporting and

operational functionality, which allows business intelligence and recent legislation changes to be implemented effectively (eg an electronic system for tracking/reporting on compliance schedules, BWoFs and NTFs). Furthermore, in some instances, MDC staff were unable to retrieve the compliance schedule from its current records system (eg Kohan restaurant).

(Note - more details about compliance schedules are provided in the next section).

Compliance schedules

- The Building Act 2004, as amended by the Building Amendment Act 2012, requires a compliance schedule to:
 - List the specified systems (and this includes removing the 'old passive' systems and features that are not considered to be specified systems eg fire hose reels, safety barriers, access and facilities for persons with disabilities)
 - Have a detailed description of each specified system
 - List the performance standards for each specified system
 - List the IMR procedures for each specified system.
- It is believed that almost all MDC's compliance schedules (number to be confirmed) do not satisfy the requirements of the Building Amendment Act 2012, that is, only include systems and features that are specified systems and provide detailed specified system descriptions and specific IMR procedures. Compliance schedules were required to be amended to include this level of detail by **March 2013**. MDC needs to actively seek this information from building owners (eg by contacting them and/or visiting them advising them of their obligations or undertake on-site audits and get the information itself). If owners (or their agents/IQPs) do not provide the required information in a timely manner, MDC should consider issuing NTFs, and if these NTFs are ignored, proceed to adopt a policy which will allow the issue of infringement notices for building offences. An infringement fee of \$1000, for ignoring the NTF, may provide an incentive for non-compliant owners to comply, and if compliance is achieved promptly, the TA may elect to waive the payment of the infringement fee. It was noted that MDC use infringement notices for offences related to dogs or freedom camping, but there appears to be a reluctance to use them for building offences, which would assist in ensuring the safety of building occupants/public.
- Although not a prescribed form, it is suggested that the following items are considered in relation to the compliance schedule template:
 - 'Highest fire hazard category for building use' is now a redundant term. For a 'new-build' compliance schedule, use 'risk group' if appropriate, that is, if designed to one of the acceptable solutions C/AS1-7. (However, it may be appropriate to retain this term for an existing building if it was designed to the old C/AS1 which applied pre 2012);
 - For 'Current, lawfully established use', populate with 'Classified use(s)' from Building Code clause A1 (eg 'Commercial') plus a lay-person's building-type description (eg 2 level restaurant and bar);
 - 'Purpose group' is now a redundant term (for a 'new-build' compliance schedule, consider 'Activity group(s)' from the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005). However, it may be appropriate to retain this term for an existing building if it was designed to the old C/AS1 which applied pre 2012;
 - Include occupant numbers for each level, if known;
 - Include original issue date (include year), dates of any amendments (plus brief description), building officer's signature block, page numbers, identify any attachments;

- Make as building-specific as possible (eg provide more detail about specified system/ type/ brand/ model/ serial number/ location/ performance standard (including year). It should be noted that in general terms, Building Code clauses are inappropriate performance standards for inclusion in a compliance schedule. Delete any text that does not apply (ie not relevant);
 - In the case of SS7 (automatic backflow preventers) associated with fire sprinklers (SS1), it is recommended in the interests of clarity, that the backflow preventer is mentioned in both specified systems (ie cross-referenced) and it clearly identifies which party is responsible for the IMR requirements;
 - Allow for the attachment of plans, specified system data sheets, fire reports, photos of alarm panel schematics etc, to assist those not familiar with the building. Ensure adequate cross-referencing is provided within the main body of the compliance schedule so that it is clear that the attachment is an integral part of the compliance schedule (eg 'as per attached drawing xx/yy');
 - Provide a consistent format, which includes the specified system numbering system, to improve the readability of the compliance schedule.
- (MBIE handed a good practice compliance schedule template to MDC).

Building consent information gathering

- Ensure building consent applicants provide detailed specified system descriptions, and the proposed IMR procedures for these systems as part of the building consent application (including interfacing systems). Refuse to accept the application for processing if this information is not provided. The quality of the compliance schedule is dependent on the quality of specified system information supplied at building consent application time. (Refer to the definition of 'plans and specifications' under s7 of the Building Act 2004).

Policies and procedures

- Fully document policy and procedures for BWoFs and amending compliance schedules. Consider documenting policies and procedures for all TA functions. Such documentation would be a useful resource for new staff and for experienced staff who do not carry out these TA functions on a regular basis. Ensure that the documented policies and procedures are communicated to all relevant staff and provide targeted training wherever necessary. (MBIE handed MDC an example of a manual for TA policies and procedures which it could use as a template).
- MBIE consider it is good practice to have the compliance schedule/BWoF building compliance officer accompany an inspector on building consent final inspections

Unoccupied buildings

- For any unoccupied or vacant buildings with compliance schedules, rather than letting the compliance schedule lapse, or remain 'on hold', MBIE is of the view that there are 2 options available 1) have owners decommission and remove the specified systems (which is generally impractical) or 2) amend the compliance schedule to reflect an agreed reduced IMR procedures (between the TA and owner) for all installed specified systems. If the second option is not put in place, any BWoF issued, is technically invalid, because the IMR procedures of the specified systems have not been carried out in accordance with the compliance schedule.

Public information and Forms

- Consider expanding and enhancing the public information relating to compliance schedules and BWoFs on MDC's website by, for example, including a link to MBIE's guidance

documents *Owners' responsibilities to ensure their buildings are safe to use*¹ and *Compliance Schedule Handbook*².

(MBIE handed MDC a 'marked-up' version of its public information with suggested amendments for its consideration).

- Suggest hard copies of MBIE's guidance documents be made available at the front of house and perhaps send to new owners of buildings with compliance schedules and/or with BWoF reminder letters.
- Ensure all prescribed Forms comply fully with the Building (Forms) Regulations 2004. (MBIE provided MDC with 'marked-up' copies for their consideration).

Draft compliance schedules

- MDC should continue to issue a draft compliance schedule as they are particularly useful when a certificate for public use (CPU) is issued. The CPU can be conditioned to require the specified systems to be inspected, maintained and records kept, in the interim, in accordance with the draft compliance schedule until such time that the final compliance schedule can be issued with the code compliance certificate. MBIE also suggests that the CPU be conditioned by providing an expiry date and requiring the CPU to be publicly displayed. (The draft compliance schedule is also a useful checklist/reference document which will assist the building inspector when undertaking the final inspection).

BWoFs

- Ensure all supplied BWoFs are checked against the compliance schedule, 12As and IQP register. Also ensure all prescribed information is provided and appropriate. It was noted that some of the fields on the BWoFs were populated with inappropriate text (eg 'NA' against 'level/unit number') or simply left blank. Also check that the BWoF is issued by the authorised agent. In the case of the BWoF for the Kohan Restaurant, which was displayed in the front window of the Mackenzies Café, it had Southgate Fire and Safety Ltd's letterhead/logo and yet it was signed off by Barry Dunstan of Building Compliance Management Ltd.
- Suggest that BWoF reminder letters are sent to building owners prior to the expiry date. This should result in reducing the work load in terms of following-up with overdue BWoFs.

On-site BWoF audits

- Establish an annual target and undertake regular on-site BWoF audits (including a 'walk-through' of the building) to 1) assess the authenticity of the IQP's paperwork and 2) check the accuracy of the compliance schedule by visually confirming that all installed specified systems are on the compliance schedule.
- MBIE's view is that it is good practice to have a 3 to 5 year audit cycle (20-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. Therefore, for instance, it might be appropriate to have annual audits for budget accommodation (eg backpackers' hostel) and 5 yearly audits for low-occupancy industrial buildings.
- Of the 4 buildings audited, all 4 required their compliance schedules to be altered, to allow the addition and/or deletion of specified systems. For example, Fairlie Early Learning incorrectly included SS14/1 (emergency power for SS1-13), and Lake Tekapo Youth Hostel had omitted SS15/3 (fire separations). Furthermore, some buildings had instances of different types within a given specified system category and these were not reflected in their compliance schedules.

¹ <http://www.building.govt.nz/building-warrant-of-fitness-guide>

² <https://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/compliance-schedule-handbook/>

(Copies of MBIE's completed audit sheets for all 4 buildings were handed to MDC).

- Inspect penetrations through fire/smoke separations whenever possible (although difficult as passive fire protection is a specialist area and difficult to identify without drawings/fire reports attached to the compliance schedule).
- On-site BWoF audits provide a 'face-to-face' opportunity for TAs to educate building owners about their legislative responsibilities around compliance schedules and BWoFs. For example, the owner of the Lakestone Lodge had the compliance schedule statement in his file folder rather than publicly displayed in the building.

Notices to fix (NTFs)

- Use NTFs as a common, everyday building control tool to achieve compliance. Please note that the TA must issue an NTF under s164(2)(b) and (c) of the Building Act 2004.
- When issuing NTFs, consider inserting the actual Building Act 2004 text to which the non-compliance refers. Paraphrasing can unintentionally lead to a change of interpretation and could possibly result in the NTF being technically challenged. Contraventions, observations and comments should be limited to the covering letter.

Infringement notices

- MDC should consider using infringement notices for building offences, when appropriate to do so. Many TAs have advised that infringement notices have proved to be an effective building control tool, particularly for the 5 compliance schedule/BWoF offences³, as stated in Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007. If prompt compliance is achieved, the TA has the option to waive the payment of the infringement fee.

Staff training

- Provide targeted compliance schedule/BWoF training to all relevant staff. Such training is available through the likes of Building Networks and the BOINZ Training Academy.
- Consider having regular meetings with South Canterbury/North Otago compliance schedule/BWoF officers in order to develop some regional consistency.

Next steps

At the conclusion of the 2016-17 round of technical reviews MBIE will write and publish a report on its website which will summarise the review team's findings and any trends that have emerged so that TAs can check, adopt or modify their existing practises.

As the 2014-15 round of technical reviews dealt with the same terms of reference as the current round, you may be interested in reading last year's key review findings and recommendations which were published in December 2015 (refer to <https://www.building.govt.nz/building-officials/technical-reviews/summary-of-the-20142015-technical-review-programme/>).

MBIE will do some form of follow-up with MDC during the 2016-17 financial year, which commenced on 1 July 2016, to assess progress in dealing with the recommendations of this report.

In the meantime, could MDC please supply MBIE, by **Monday 24 April 2017**, with the following statistical information for the period 16 December 2016 to 14 April 2017:

- Amended compliance schedules issued

³ <http://www.building.govt.nz/UserFiles/File/Publications/Building/Technical-reviews/2012-wellington-technical-review.pdf>

- On-site BWoF audits carried out
- NTFs issued for compliance schedule and BWoF matters
- Infringement notices issued for compliance schedule and BWoF matters.

Acknowledgement

MBIE would like to thank MDC's building control management and staff for its cooperation and assistance during the technical review. We trust you have found the review to be of some value and have seen it as an opportunity to improve some of your building control activities.



Gary Higham
Senior Advisor (Consent System Team)

20 December 2016

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Nathan@mackenzie.govt.nz
Sent: Monday, 15 May 2017 2:54 p.m.
To: Gary Higham
Cc: Mike Reedy; Grant@mackenzie.govt.nz
Subject: 2016 Mackenzie DC tech review - progress on implementing report recommendations [UNCLASSIFIED]

Hi Gary

The answer is zero on the four points the MBIE report requested information on by 24 April.

We haven't been in a position to undertake BWoF monitoring due to workload and changes in staff. Grant Hyde only started as BCM on 16 Jan. We are however, continuing to work on ensuring compliance schedules in new building work are as correct as they can be.

Kind regards
Nathan Hole

"In the meantime, could MDC please supply MBIE, by Monday 24 April 2017, with the following statistical information for the period 16 December 2016 to 14 April 2017:

- *Amended compliance schedules issued*
- *On-site BWoF audits carried out*
- *NTFs issued for compliance schedule and BWoF matters*
- *Infringement notices issued for compliance schedule and BWoF matters."*

From: Gary Higham [mailto:Gary.Higham@mbie.govt.nz]
Sent: Friday, May 5, 2017 11:00 AM
To: Nathan Hole <Nathan@mackenzie.govt.nz>
Cc: Mike Reedy <Mike.Reedy@mbie.govt.nz>
Subject: 2016 Mackenzie DC tech review - progress on implementing report recommendations [UNCLASSIFIED]

Good morning Nathan,

Just confirming today's voice mail message which I left on your mobile – could you please provide a written update on how Mackenzie DC is going in implementing the recommendations of our technical review report of 20 December 2016.

Could you also please ensure that you provide the statistical information which was requested on page 7 of the review report (which we expected to receive by 24 April).

I hope you have a good enjoyable weekend.

Regards – Gary

Gary Higham
SENIOR ADVISOR, CONSENT SYSTEM TEAM

Building System Performance Branch - Building, Resources and Markets Group
Ministry of Business, Innovation & Employment

Gary.higham@mbie.govt.nz | Telephone: +64 (04) 901 8356 | Mobile: s 9(2)(a)
Level 5, 5 Stout St, PO Box 1473, Wellington 6140

BUILDING PERFORMANCE



MINISTRY OF BUSINESS,
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Hiriaka Matara (Tūhira)

New Zealand Government

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From: Gary Higham
Sent: Tuesday, 20 December 2016 2:44 p.m.
To: nathan@mackenzie.govt.nz
Cc: Mike Reedy (Mike.Reedy@mbie.govt.nz)
Subject: 2016 Mackenzie DC tech review - report and survey [UNCLASSIFIED]

Hi Nathan,

Attached please find our technical review report which confirms the findings/recommendations as discussed at the exit meeting of Thursday 15 December 2016.

As you may be aware, there are a number of technical reviews planned for this 2016-17 financial year and we would really appreciate it if you could please spend a few minutes completing the attached survey questionnaire. All feedback is welcome (positive or otherwise) so that we can make the necessary adjustments for the benefit of future Councils being reviewed.

Please also note that on pages 7 & 8 of the report, under the section 'Next steps', we have requested certain statistical information to be supplied by **Monday 24 April 2017**.

Again, thank you for your cooperation and assistance during the review and we hope you found the whole compliance schedule/BWoF exercise to be beneficial.

Merry Christmas and a happy New Year.

Regards – Gary

Gary Higham
SENIOR ADVISOR, CONSENT SYSTEM TEAM

Building System Performance Branch - Building, Resources and Markets Group
Ministry of Business, Innovation & Employment

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BUILDING PERFORMANCE



MINISTRY OF BUSINESS,
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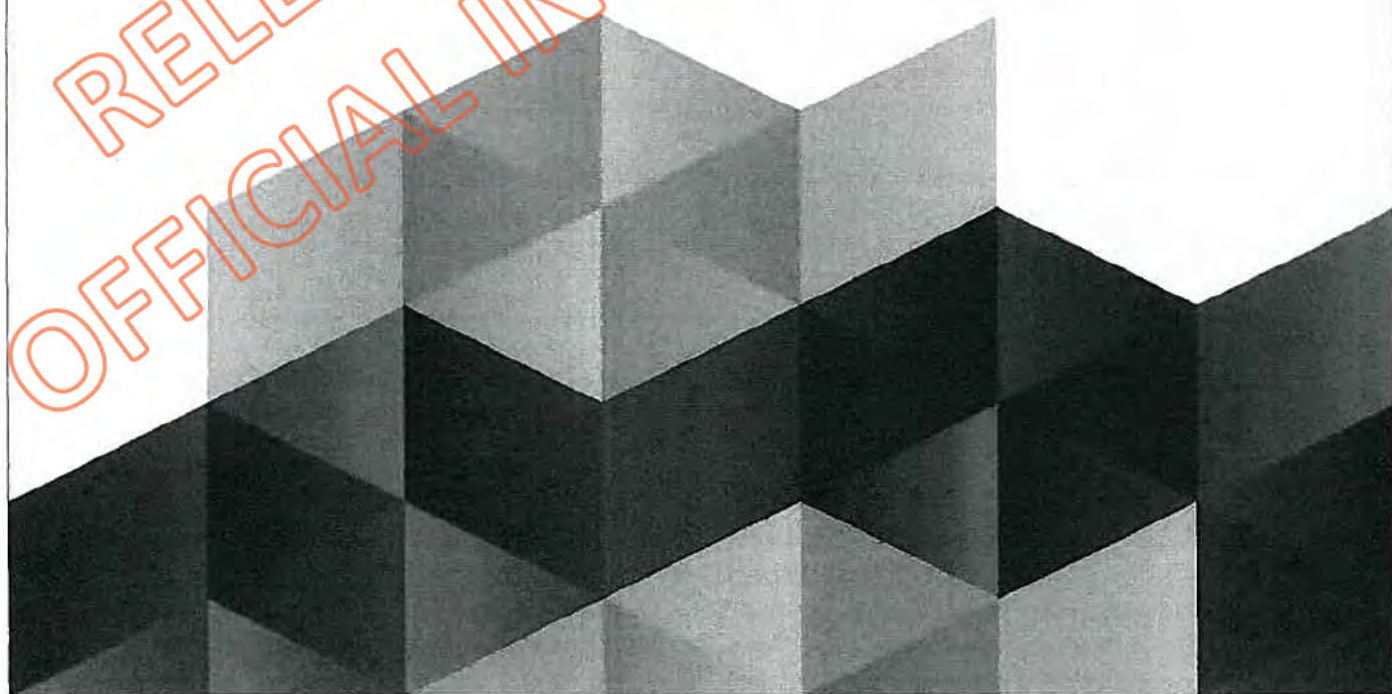
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**BUILDING
PERFORMANCE**

Ministry of Business, Innovation & Employment's Technical Review

Masterton District Council (20-22 July 2016)



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĀKINA WHAKATUTUKI

New Zealand Government

Context

The Ministry of Business, Innovation and Employment (MBIE) carries out technical reviews of territorial authority (TA) functions as part of its ongoing performance monitoring function under the Building Act 2004.

Purpose

The purpose of the technical review was to monitor and assess the performance of Masterton District Council (MDC) in several of its TA functions - amending compliance schedules not captured by the building consent process, the enforcement of the building warrant of fitness (BWoF) system, which includes on-site audits, notices to fix (NTFs) and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

Approach

2 members of MBIE's Consent System Team (Gary Higham and Mike Reedy) undertook a 3-day technical review visit of MDC on 20-22 July 2016.

Before the visit, MDC provided the following statistical information.

	Subject	Total for the stated period
1	Buildings with compliance schedules at 29 April 2016	450 approx
2	Amended compliance schedules issued 13 March 2012 to 29 April 2016	50 approx
3	On-site BWoF audits carried out 13 March 2012 to 29 April 2016	Unknown
4	NTFs for compliance schedule and BWoF matters issued 31 March 2005 to 12 March 2012	0
5	NTFs for compliance schedule and BWoF matters issued 13 March 2012 to 29 April 2016	45 approx
6	Infringement notices for compliance schedule and BWoF matters issued 1 July 2008 to 12 March 2012	0
7	Infringement notices for compliance schedule and BWoF matters issued 13 March 2012 to 29 April 2016	0

During the course of the technical review visit, MDC staff member, Jill Swanson, accompanied MBIE on a total of 7 on-site BWoF audits/inspections for a range of building types. The inspections were of the following buildings:

1. Masterton District Library, 54-60 Queen St, Masterton
2. Power Shop Call Centre, 427 Queen St, Masterton (example of a compliance schedule for a new-build, currently operating under a compliance schedule statement)
3. Reap House (Block R, Ucol campus), 340 Queen St, Masterton
4. Veterinary Clinic, Medlab and Pharmacy, 24 Lincoln Rd, Masterton (example of recent amended compliance schedule)
5. Village Grinder, 22 Crayne St, Masterton
6. BK's Chardonnay Motor Lodge, 274 High St, Masterton
7. Masterton Countdown, 263-265 Queen St, Masterton.

Findings

Positives

Public information

- MDC's website provides information about compliance schedules and BWoFs.

Forms

- MDC provides an application (Form 11) to amend compliance schedules on its website.
- Prepare and provide a 'draft compliance schedule' or 'draft amended compliance schedule' with the building consent (Form 5).

Building Amendment Act 2012

- Based on the small sample of compliance schedules viewed by MBIE, 'non-specified systems', also known as 'the old passives' (eg access/facilities for persons with disabilities, fire hose reels, safety barriers) have been removed from existing compliance schedules.

On-site BWoF audits

- Have a nominated BWoF Compliance Officer (Jill Swanson) who is employed (32 hrs/week ie 0.8 full-time equivalent (FTE)) to do duties which are solely related to compliance schedule and BWoF matters. She has 2 years' experience in this role.
- MDC's BWoF Compliance Officer has undertaken some on-site BWoF audits since December 2014, but she was unable to confirm the number. MDC have, and complete, an audit check-sheet when it undertakes an on-site audit which includes a 'walk-through' of the building.
- Appreciated the fact that MDC recognised MBIE's visit as a learning opportunity, which included seeing first-hand the challenges and benefits of undertaking regular on-site audits, which included a rapid 'walk-through' of the building.

Notices to Fix (NTFs)

- Have, and will issue NTFs for compliance schedule and BWoF matters.

Staff and training

- MDC's BWoF Compliance Officer regularly attends the Wellington Regional Cluster Group meetings of TA compliance schedule and BWoF officers, which are held every 2-3 months.

Opportunities for Improvement

Over-arching comments

- There is a need for MDC to undertake a scoping exercise to ascertain:
 - The number of its 450-odd compliance schedules which are yet to be amended to comply with the building-specific requirements of the Building Amendment Act 2012 (ie detailed specified system descriptions and detailed inspection, maintenance and reporting (IMR) procedures). MDC advised that about 50 compliance schedules have been amended to date.
 - What is an appropriate on-site BWoF regime to comply with the TA's role to enforce the BWoF system under the Building Act 2004 (s12)(2)(h) refers).

Once the scoping is complete, MDC should resource as necessary to amend these compliance schedules as soon as possible. MBIE recommends a total resource of 1.5 FTE to solely focus on 1) undertaking on-site BWoF audits and 2) promptly clearing the backlog of compliance schedules required to be amended. MDC is of the opinion that about 400 of their compliance schedules are required to be amended to comply with the current legislation.

It was noted that MDC's current information technology (IT) system does not have reporting and operational functionality, which allows business intelligence and recent legislation changes to be implemented effectively (eg IT system could not report on the number of compliance schedules amended or the total number of buildings with compliance schedules).

(Note - more details about compliance schedules are provided in the next section).

Compliance schedules

- The key issue is that the Building Act 2004, as amended by the Building Amendment Act 2012, requires a compliance schedule to:
 - a. list the specified systems
 - b. have a detailed description of each specified system
 - c. list the performance standards for each specified system
 - d. list the IMR procedures for each specified system.
- It is believed the majority of MDC's compliance schedules (number to be confirmed) do not satisfy the requirements of the Building Amendment Act 2012, as they do not have detailed specified system descriptions and specific IMR procedures. Compliance schedules were required to be amended to include this level of detail by **March 2013**. MDC needs to actively seek this information from building owners (eg by contacting them and/or visiting them advising them of their obligations or undertake on-site audits and get the information itself). If owners (or their agents/independent qualified persons (IQPs)) do not provide the required information in a timely manner, MDC should consider issuing NTFs, and if these NTFs are ignored, proceed (when the policy and procedure is adopted) to issue infringement notices (\$1000 infringement fee). It can waive payment if prompt compliance is achieved;
- Although not a prescribed form, it is suggested that the following amendments be made to the compliance schedule template:
 - Since the compliance schedule is compiled by MDC, consider including an MDC logo/header on the front page (note: some IQPs create their own version of a compliance schedule, by including the TA's logo/header it makes the document easily distinguishable from any other version – bear in mind that the BWoF and Form 12As are only issued against the requirements of the TA-issued compliance schedule);

- 'Highest fire hazard category for building use' is now a redundant term (for a 'new-build' compliance schedule, use 'risk group' if appropriate, that is, if the fire design is to one of the Acceptable Solutions C/AS1-7 that came into force in 2012). For buildings with existing compliance schedules that were designed to the old C/AS1 (ie pre-2012), it may be appropriate to retain such terms as 'highest fire hazard category' or 'purpose group';
- For 'Current, lawfully established use', populate with 'Classified use(s)' from Building Code clause A1 (eg 'Commercial') plus a lay-person's building-type description (eg 2 level restaurant and bar);
- Include occupant numbers for each level, if known;
- Always include original issue date (including year), dates of any amendments (plus brief description or reason), page numbers, total number of pages in the compliance schedule (including any attachments);
- Make as building-specific as possible (eg provide more detail about specified system/ type/ brand/ model/ serial number/ location/ performance standard (including year). In many instances multiple performance standards were stated. Furthermore, it should be noted that in general terms, Building Code clauses and 'as per compliance schedule handbook' are inappropriate performance standards for inclusion in a compliance schedule. Delete any text that does not apply (ie not relevant);
- In the case of SS7 (automatic backflow preventers) associated with fire sprinklers (SS1), it is recommended in the interests of clarity, that the backflow preventer is mentioned in both specified systems (ie cross-referenced) and it clearly identifies which party is responsible for undertaking the IMR requirements;
- Allow for the attachment of plans, specified system data sheets, fire reports, photos of alarm panel schematics and other relevant documents, to assist those not familiar with the building. Ensure adequate cross-referencing is provided within the main body of the compliance schedule so that it is clear that the attachment is an integral part of the compliance schedule (eg 'as per attached drawing xx/yy');
- Ensure all compliance schedules have version control. It was noted at BK's Chardonnay Motor Lodge and Masterton Countdown that there were 2 versions of the compliance schedule and MBIE was unable to ascertain the current version in each case.

(MBIE will forward some 'good-practice' compliance schedules for MDC's consideration).

Building consent information gathering

- Ensure building consent applicants provide detailed specified system descriptions, and the proposed IMR procedures for these systems as part of the building consent application (including interfacing systems). Refuse to accept the application for processing if this information is not provided (as part of the s45(g) Building Act 2004 check). The quality of the compliance schedule is dependent on the quality of specified system information supplied at building consent application time. (Refer to the definition of 'plans and specifications' under s7 of the Building Act 2004).

Policies and procedures

- Consider adopting a policy and procedure for amending compliance schedules not captured by the building consent process to comply with the building-specific requirements of the Building Amendment Act 2012.
- Document all policies and procedures (that are currently only known to the BWoF Compliance Officer) for compliance schedule/BWoF matters and preferably all TA functions, then communicate these to all relevant staff. Such documentation would be a useful resource for new staff and for experienced staff who do not carry out these TA functions on

a regular basis. (A copy of Thames Coromandel District Council's policies and procedures for all TA functions was provided by MBIE to MDC for its consideration).

Unoccupied buildings

- For any unoccupied or vacant buildings with compliance schedules, rather than for example, cancelling or suspending the compliance schedule, MBIE is of the view that there are 2 options available. 1) Decommission and remove the specified system (which is generally impractical) or 2) amend the compliance schedule to reflect an agreed reduced IMR procedure (between the TA and owner) for all installed specified systems. If the second option is not put in place, any BWoF issued, is technically invalid, because the IMR procedures of the specified systems have not been carried out in accordance with the compliance schedule.

Forms

- Ensure all prescribed Forms, (eg Form 10, 12, 13 and 15) comply fully with the Building (Forms) Regulations 2004. (MBIE provided MDC with 'marked-up' copies for their consideration).

Public information

- Consider enhancing the public information relating to compliance schedules and BWoFs on MDC's website by including a link to MBIE's guidance documents *Compliance Schedule Handbook*¹ and *Owners responsibilities' to ensure their buildings are safe to use*². Suggest hard copies of these MBIE guidance documents be made available at the front of house and perhaps send to new owners of buildings with compliance schedules and/or with BWoF reminder letters.
- Remove reference to 'licensed building practitioners' from MDC's website public information which was noted under 'Building Consent – Your responsibilities as a Property Owner under the Building Act'. (MBIE handed MDC 'marked-up' copies for their consideration).

BWoFs

- Ensure all supplied BWoFs are checked against the compliance schedule, 12As and IQP register.
- Consider sending BWoF reminder letters to building owners before the expiry date, to reduce the volume of follow-up work for overdue BWoFs.
- Also ensure all prescribed information is provided and appropriate. It was noted that some of the fields on the BWoFs were simply left blank. In one instance, it was noted on a 'walk-through' audit of the recently upgraded building at 24 Lincoln Rd, that the BWoF was not publicly displayed and the 'current' BWoF supplied by MDC to MBIE had expired.

Draft compliance schedules

- MDC should continue with its current practice of issuing a draft compliance schedule or a draft amended compliance schedule with the building consent (Form 5). A draft is particularly useful when a certificate for public use (CPU) is issued (refer to page 7 of MBIE's guidance document *Compliance Schedule Handbook*). As well as stating an expiry date and

¹ <http://www.building.govt.nz/assets/Uploads/building-code-compliance/handbooks/compliance-schedule-handbook/Compliance-schedule-handbook-amendment-3.pdf>

² <http://www.building.govt.nz/managing-buildings/managing-your-bwof/owner-responsibilities-about-bwofs-and-compliance-schedules/>

the need to publicly display the CPU, it should be conditioned to require the specified systems to be inspected, maintained and records kept, in the interim, in accordance with the draft compliance schedule until such time that the final compliance schedule can be issued with the code compliance certificate. (The draft compliance schedule is also a useful checklist/reference document which will assist the building inspector when undertaking the final inspection).

On-site audits

- Expand the current number of on-site BWoF audits, which include a 'walk-through' of buildings to visually confirm that all installed specified systems are on the compliance schedule and establish a key performance indicator (KPI). Other than checking the accuracy of the compliance schedule, these audits also allow the authenticity of IQP's paperwork to be assessed and the currency of the BWoF (or compliance schedule statement) to be checked. It is also a chance to educate building owners 'face-to-face' about their legislative responsibilities.
- MBIE's view is that it is good practice to have a 3 to 5 year audit cycle (KPI of 20-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. Therefore, for instance, it might be appropriate to have annual audits for sleeping uses/budget accommodation (eg backpackers' hostel) and 5-yearly audits for low-occupancy industrial buildings.
- Of the 7 buildings audited, 6 required compliance schedules to be altered, either to add and/or delete specified systems or include different types of a given specified system. For example, at Masterton District Library, and Reap House (Block R) mechanical ventilation or air conditioning systems (SS9) were omitted. At Masterton Countdown, smoke separations (SS15/5) were included when there were none. While at BK's Chardonnay Motor Lodge, the domestic smoke alarms (Type 1) throughout the complex and the visual alerting devices in accessible units 805 and 806 had been omitted from the compliance schedule's emergency warning system (SS2). Furthermore, final exits (SS15/2), exit signage (SS15/4) and smoke separations (SS15/5) were included in the motel's compliance schedule, when there were none. (A copy of a 'marked-up' compliance schedule and copies of MBIE's completed audit sheets for all 7 buildings were handed to MDC).
- Inspect penetrations through fire/smoke separations whenever possible (although difficult, as passive fire protection is a specialist area and difficult to identify without drawings/fire reports attached to the compliance schedule).

Notices to fix (NTFs)

- Use NTFs as an everyday building control tool to resolve compliance schedule and BWoF matters. When issuing NTFs, under s164(2)(b) and (c) consider inserting the actual Building Act 2004 text to which the non-compliance refers. Paraphrasing can unintentionally lead to a change of interpretation and could possibly result in the NTF being technically challenged. Contraventions, observations and comments should be limited to the covering letter only.

Infringement notices

- MDC needs to consider adopting a policy to issue infringement notices for building offences. Many TAs have advised that infringement notices have proved to be an effective building control tool, particularly for the 5 compliance schedule/BWoF infringement offences as stated in Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007. These offences include failure to supply a BWoF to the TA, which was introduced on 1 January 2015. If prompt compliance is achieved, the TA has the option to waive the payment of the infringement fee. (Refer to Wellington City Council technical

review report of 2012³ which highlights the benefits of infringement notices as a building control enforcement tool).

Staff training

- Provide targeted compliance schedule/BWoF training to all relevant staff (eg administration and building control officers).
- Consider having a shared service with other TAs in the Wairarapa area (ie Carterton and South Wairarapa District Councils) to develop a regionally consistent approach to compliance schedules and BWoF matters.

Next steps

At the conclusion of the 2016-17 round of technical reviews (16 TAs scheduled), MBIE will write and publish a report on its website which will summarise the review team's findings and any trends that have emerged so that TAs can check, adopt or modify their existing practises.

Since this technical review deals with the same terms of reference that have applied since July 2014, you may be interested in reading the 2014-15 summary report of findings and recommendations of 13 TAs (refer to <http://www.building.govt.nz/assets/Uploads/building-officials/technical-review/Summary-of-the-2014-2015-Technical-Review-Programme.pdf>).

MBIE will do some form of follow-up with MDC during the 2016-17 financial year, which commenced on 1 July 2016, to assess progress in dealing with the recommendations of this report.

In the meantime, could MDC please supply MBIE, by **Monday 5 December 2016**, with the following statistical information for the period 25 July 2016 to 2 December 2016:

- Amended compliance schedules issued
- On-site BWoF audits carried out
- NTFs for compliance schedule and BWoF matters issued
- Infringement notices for compliance schedule and BWoF matters issued.

Acknowledgement

MBIE would like to thank MDC's building control management and staff for its cooperation and assistance during the technical review. We trust you have found the review to be of some value and have seen it as an opportunity to improve some of your building control activities.



Mike Reedy
Senior Advisor (Consent System Team)

29 July 2016

³ <https://www.building.govt.nz/assets/Uploads/building-officials/technical-review/2012-wellington-technical-review.pdf>



MASTERTON DISTRICT COUNCIL

SERVING THE COMMUNITY

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Ministry of Business, Innovation & Employment
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Attention - Mike Reedy

Technical Review Masterton District Council 2016

On 1 July 2016 I took over the role of Manager Planning and Building for the Masterton District Council along with a whole new team of Building Development Facilitators. Building the team, with their help and enthusiasm, into a customer focused efficient unit has been a great learning curve for me.

The team is presently extremely busy with consents fuelled by a number of large subdivisions. In the area of Compliance Schedules and Building Warrants of Fitness, there was, and still is, a large backlog. We are working steadily towards reducing this and getting the community to understand the requirements.

To this end we have arranged for Building Networks NZ to provide In-house training on Compliance Schedules and BWO's with invitations to include other Wairarapa Council's and building owners.

Attached are comments and information on the matters raised in your technical review and my apologies for the time it has taken to get this to you.

Susan Southey
Manager Planning & Building

23 May 2017

Over-arching comments

- There is a need for MDC to undertake a scoping exercise to ascertain:
 - The number of its 450-odd compliance schedules which are yet to be amended to comply with the building-specific requirements of the Building Amendment Act 2012 (ie detailed specified system descriptions and detailed inspection, maintenance and reporting (IMR procedures). MDC advised that about 50 compliance schedules have been amended to date
 - What is an appropriate on-site BWoF regime to comply with the TA's role to enforce the BWoF system under the Building Act 2004 (s12)(2)(h) refers).
- Once the scoping is complete, MDC should resource as necessary to amend these compliance schedules as soon as possible. MBIE recommends a total resource of **1.5 FTE** to solely focus on 1) undertaking on-site BWoF audits and 2) promptly clearing the backlog of compliance schedules required to be amended. MDC is of the opinion that about 400 of their compliance schedules are required to be amended to comply with the current legislation.
- It was noted that MDC's current information technology (IT) system does not have reporting and operational functionality, which allows business intelligence and recent legislation changes to be implemented effectively (eg IT system could not report on the number of compliance schedules amended or the total number of buildings with compliance schedules).
(Note - more details about compliance schedules are provided in the next section).
- We are constantly working on getting more Compliance Schedules amended, writing to building owners and meeting with them to explain their obligations.
 - We are aware of our obligations and are actively seeking information from building owners.

Compliance schedules

- The key issue is that the Building Act 2004, as amended by the Building Amendment Act 2012, requires a compliance schedule to:
 - a. list the specified systems
 - b. have a detailed description of each specified system
 - c. list the performance standards for each specified system
 - d. list the IMR procedures for each specified system.
- It is believed the majority of MDC's compliance schedules (number to be confirmed) do not satisfy the requirements of the Building Amendment Act 2012, as they do not have detailed specified system descriptions and specific IMR procedures. Compliance schedules were required to be amended to include this level of detail by **March 2013**. MDC needs to actively seek this information from building owners (eg by contacting them and/or visiting them to advise them of their obligations or undertake on-site audits and get the information itself). If owners (or their agents/independent qualified persons (IQPs)) do not provide the required information in a timely manner, MDC should consider issuing NTFs, and if these NTFs are ignored, proceed (when the policy and procedure is adopted) to issue infringement notices (\$1000 infringement fee). It can waive payment if prompt compliance is achieved;

MDC does have a policy and procedure for infringement notices and are likely to be issuing soon this month.

Although not a prescribed form, it is suggested that the following amendments be made to the compliance schedule template:

Since the compliance schedule is compiled by MDC, consider including an MDC logo/header on the front page (note: some IQPs create their own version of a compliance schedule, by including the TA's logo/header it makes the document easily distinguishable).

the requirements of the TA-issued compliance schedule);

'Highest fire hazard category for building use' is now a redundant term (for a 'new- built compliance schedule, use 'risk group' if appropriate, that is, if the fire design is to one of the Acceptable Solutions C/AS1-7 that came into force in 2012) . For buildings with existing compliance schedules that were designed to the old C/AS1 (ie pre-2012), it may be appropriate to retain such terms as 'highest fire hazard category' or 'purpose group';

For 'Current, lawfully established use', populate with 'Classified use(s)' from Building Code clause A1 (eg 'Commercial') plus a lay-person's building-type description (eg 2 level restaurant and bar);

Include occupant numbers for each level, if known;

Always include original issue date (including year), dates of any amendments (plus brief description or reason), page numbers, total number of pages in the compliance schedule (including any attachments);

This is being implemented.

Make as building-specific as possible (eg provide more detail about specified system/ type, brand/ model/ serial number/ location/ performance standard (including year)). In many instances multiple performance standards were stated. Furthermore, it should be noted that in general terms, Building Code clauses and 'as per compliance schedule handbook' are inappropriate performance standards for inclusion in a compliance schedule. Delete any text that does not apply (ie not relevant);

This has been implemented

In the case of SS7 (automatic backflow preventers) associated with fire sprinklers (551), it is recommended in the interests of clarity, that the backflow preventer is mentioned in both specified systems (ie cross-referenced) and it clearly identifies which party is responsible for undertaking the IMR requirements;

Allow for the attachment of plans, specified system data sheets, fire reports, photos of alarm panel schematics and other relevant documents, to assist those not familiar with the building. Ensure adequate cross- referencing is provided within the main body of the compliance schedule so that it is clear that the attachment is an integral part of the compliance schedule (eg 'as per attached drawing xx/yy');

Ensure all compliance schedules have version control. It was noted at BK's Chardonnay Motor Lodge and Masterton Countdown that there were 2 versions of the compliance schedule and MBIE was unable to ascertain the current version in each case.

This is being implemented

(MBIE will forward some 'good-practice' compliance schedules for MDC's consideration).

Building consent information gathering

- Ensure building consent applicants provide detailed specified system descriptions, and the proposed IMR procedures for these systems as part of the building consent application (including interfacing systems). Refuse to accept the application for processing if this information is not provided (as part of the s4S(g) Building Act 2004 check). The quality of the compliance schedule is dependent on the quality of specified system information supplied at building consent application time. (Refer to the definition of 'plans and specifications' under s7 of the Building Act 2004).

Doing this and making continuous improvement.

Policies and procedures

- Consider adopting a policy and procedure for amending compliance schedules not captured in the building consent process to comply with the building-specific requirements of the Building

- Document all policies and procedures (that are currently only known to the BWoF Compliance Officer) for compliance schedule/BWoF matters and preferably all TA functions, then communicate these to all relevant staff. Such documentation would be a useful resource for new staff and for experienced staff who do not carry out these TA functions on a regular basis. (A copy of Thames Coromandel District Council's policies and procedures for TA functions was provided by MBIE to MDC for its consideration).

Unoccupied buildings

- For any unoccupied or vacant buildings with compliance schedules, rather than for example cancelling or suspending the compliance schedule, MBIE is of the view that there are 2 options available. 1) Decommission and remove the specified system (which is generally impractical) or 2) amend the compliance schedule to reflect an agreed reduced IMR procedure (between the TA and owner) for all installed specified systems. If the second option is not put in place, a BWoF issued, is technically invalid, because the IMR procedures of the specified systems have not been carried out in accordance with the compliance schedule.

Forms

- Ensure all prescribed Forms, (eg Form 10, 12, 13 and 15) comply fully with the Building (Forms) Regulations 2004
Forms have been checked and found to contain all of the information required by the Regulations. Minor amendments have been made.

Public information

- Consider enhancing the public information relating to compliance schedules and BWoFs on MDC's website by including a link to MBIE's guidance documents *Compliance Schedule Handbook*¹ and *Owners responsibilities to ensure their buildings are safe to use*². Suggest hard copies of these MBIE guidance documents be made available at the front of house and perhaps send to new owners of buildings with compliance schedules and/or with BWoF reminder letters.
- Remove reference to 'licensed building practitioners' from MDC's website public information which was noted under 'Building Consent - Your responsibilities as a Property Owner under the Building Act'.
(MBIE handed MDC 'marked-up' copies for their consideration).

Link to Compliance Schedule handbook provided to customers and information sheet displayed on Council's website is presently being upgraded with a new section on Building.

BWoFs

- Ensure all supplied BWoFs are checked against the compliance schedule, 12As and IQP register.
Doing this.
- Consider sending BWoF reminder letters to building owners before the expiry date, to reduce the volume of follow-up work for overdue BWoFs.
To be implemented once backlog reduced
- Also ensure all prescribed information is provided and appropriate. It was noted that some of the fields on the BWoFs were simply left blank. In one instance, it was noted on a 'walk-through' audit of the recently upgraded building at 24 Lincoln Rd, that the BWoF was not publicly displayed and the 'current' BWoF supplied by MDC to MBIE had expired.
Checking information is correct and Building Warrant of Fitness displayed.

Draft compliance schedules

- MDC should continue with its current practice of issuing a draft compliance schedule or a draft amended compliance schedule with the building consent (Form 5). A draft is

document *Compliance Schedule Handbook*). As well as stating an expiry date and the need to publicly display the CPU, it should be conditioned to require the specified system: to be inspected, maintained and records kept, in the interim, in accordance with the draft compliance schedule until such time that the final compliance schedule can be issued with the code compliance certificate. (The draft compliance schedule is also a useful checklist/reference document which will assist the building inspector when undertaking the final inspection).

There is no legal requirement to provide a Draft Compliance Schedule. MDC is amending its procedure to ensure that all of the systems and their inspections and maintenance are listed as required items and will be provided prior to CCC being issued.

On-site audits

- Expand the current number of on-site BWoF audits, which include a 'walk-through' of buildings to visually confirm that all installed specified systems are on the compliance schedule and establish a key performance indicator (KPI). Other than checking the accuracy of the compliance schedule, these audits also allow the authenticity of IQP's paperwork to be assessed and the currency of the BWoF (or compliance schedule statement) to be checked. It is also a chance to educate building owners 'face-to-face' about their legislative responsibilities.

On-site audits are carried out whenever possible as we agree it is useful to talk to building owners.

- MBIE's view is that it is good practice to have a 3 to 5 year audit cycle (KPI of 20-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. Therefore, for instance, it might be appropriate to have annual audits for sleeping uses/budget accommodation (eg backpackers' hostel) and 5-yearly audits for low-occupancy industrial buildings.
- Of the 7 buildings audited, 6 required compliance schedules to be altered, either to add and/or delete specified systems or include different types of a given specified system. For example, at Masterton District Library, and Reap House (Block R) mechanical ventilation or air conditioning systems (SS9) were omitted. At Masterton Countdown, smoke separations (SS15/5) were included when there were none. While at BK's Chardonnay Motor Lodge, the domestic smoke alarms (Type 1) throughout the complex and the visual alerting devices accessible units 805 and 806 had been omitted from the compliance schedule's emergency warning system (SS2). Furthermore, final exits (SS15/2), exit signage (SS15/4) and smoke separations (SS15/5) were included in the motel's compliance schedule, when there were none. (A copy of a 'marked-up' compliance schedule and copies of MBIE's completed audit sheets for all 7 buildings were handed to MDC).
- Inspect penetrations through fire/smoke separations whenever possible (although difficult, as passive fire protection is a specialist area and difficult to identify without drawings/fire report attached to the compliance schedule).

Noted

Notices to fix (NTFs)

- Use NTFs as an everyday building control tool to resolve compliance schedule and BWoF matters. When issuing NTFs, under s164(2)(b) and (c) consider inserting the actual Building Act 2004 text to which the non-compliance refers. Paraphrasing can unintentionally lead to a change of interpretation and could possibly result in the NTF being technically challenged. Contraventions, observations and comments should be limited to the covering letter only.

Noted

Infringement notices

- MDC needs to consider adopting a policy to issue infringement notices for building offences. Many TAs have advised that infringement notices have proved to be an effective

stated in Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2001. These offences include failure to supply a BWoF to the TA, which was introduced on 1 January 2015. If prompt compliance is achieved, the TA has the option to waive the payment of the infringement fee. (Refer to Wellington City Council technical review report of 2012³ which highlights the benefits of infringement notices as a building control enforcement tool).

Done

Staff training

- Provide targeted compliance schedule/BWoF training to all relevant staff (eg administration and building control officers).
 - Consider having a shared service with other TAs in the Wairarapa area (ie Carterton and South Wairarapa District Councils) to develop a regionally consistent approach to compliance schedules and BWoF matters.
- Training is ongoing and training for staff and building owners is being organized.

Next steps

At the conclusion of the 2016-17 round of technical reviews (16 TAs scheduled), MBIE will write and publish a report on its website which will summarise the review team's findings and any trends that have emerged so that TAs can check, adopt or modify their existing practises.

Since this technical review deals with the same terms of reference that have applied since July 2014, you may be interested in reading the 2014-15 summary report of findings and recommendations of 13 TAs (refer to <http://www.building.govt.nz/assets/Uploads/building-officials/technical-review/Summary-of-the-2014-2015-Technical-Review-Programme.pdf>).

MBIE will do some form of follow-up with MDC during the 2016-17 financial year, which commenced on 1 July 2016, to assess progress in dealing with the recommendations of this report.

In the meantime, could MDC please supply MBIE, by **Monday 5 December 2016**, with the following statistical information for the period 25 July 2016 to 2 December 2016:

Amended compliance schedules
issued On-site BWoF audits carried
out
NTFs for compliance schedule and BWoF matters issued
Infringement notices for compliance schedule and BWoF matters issued.

Acknowledgement

MBIE would like to thank MDC's building control management and staff for its cooperation and assistance during the technical review. We trust you have found the review to be of some value and have seen it as an opportunity to improve some of your building control activities.



CS0531 Riversdale Road Surf Club 23/12/16

CS0536 EMG Showroom 10/03/17

CS0552 Dominos & Pita Pit 10/03/17

CS0555 Watson & Son Apiary Headquarters 31/10/16

CS0558 Jaro Group 21/12/16

CS0559- Golf Club 13/01/17

CS0564 Pizza Hutt 10/04/17

CS0494 Honey Storage 19/05/17

CS0563 George Hood Aviation 04/04/17

CS0544 Greater Wellington 26/04/16

Audits

CS0156 Big Barrell & Offices

CS0187 Masterton Hospital Area 3

CS0302 Rob Walker Spray Painters

CS0383 Liquor Land

Compliance Schedules

(From August 2016)

Amended

CS0027 Gull amended 11/08/16 CS0220

Rathkeale College amended 12/07/16

CS0324 BK's Chardonnay Motel amended 27/10/16

CS0363 Forest enterprises 27/10/16 amended

CS0229 Tomlinson & Carruthers amended 23/11/16

Draft CS0551 17/10/16 netball courts

Draft CS0554 25/10/16 Reid Honey

CS0302 Rob Walker amended 08/12/16

CS0476 Oral Health Hub amended 10/01/17

CS0370 L J Hooker & Resene amended 24/02/17

Draft CS0523 06/08/15 amended draft 07/11/16 3 Edwin Feist Place

CS0154 Amended Kuripuni Tavern 21/09/16

Draft CS0538 Wairarapa Hospice Draft 17/03/16

Masterton Library Amended 11/05/17

Draft CS0534 Keinzley Agvet 17/12/15

Draft CS0533 Motuwairaka Marae 03/02/16

NTF issued

CS0187 Area 3 Masterton Hospital Masterton District Council 06/09/16

CS0141 12 Papawai Place 24/11/16

CS0156 Big barrel & offices 24/12/15

CS0230 10/11/16 Harcourts

CS0159 Homestead Cobnco four square 23/12/15

New CS

CS0555 Watsons 150 Ngaumutawa Road

CS0558 BP 127 Chapel Street

CS0553 draft 20/10/16 Toms Auto



MBIE's technical review visit of Queenstown Lakes DC (11-13 March 2015)

Context

The Ministry of Business, Innovation and Employment (MBIE) carries out technical reviews of territorial authority (TA) functions as part of its ongoing performance monitoring function under the Building Act 2004.

Purpose

The purpose of the technical review was to monitor and assess the performance of Queenstown Lakes District Council (QLDC) in several of its TA functions - amending compliance schedules not captured by the building consent process, the enforcement of the building warrant of fitness (BWof) system, which includes on-site audits, notices to fix (NTFs) and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

Approach

3 members of MBIE's Consent System Team (Mike Reedy, Brad Hislop and Gary Higham) undertook a technical review visit of QLDC on 11-13 March 2015.

Before the visit, QLDC provided the following statistical information.

	Subject	Total for the stated period
1	Buildings with compliance schedules at 30 November 2014	604
2	Amended compliance schedules issued 13 March 2012 to 30 November 2014	277
3	On-site BWof audits carried out 13 March 2012 to 30 November 2014	0
4	NTFs for compliance schedule and BWof matters issued 31 March 2005 to 12 March 2012	0
5	NTFs for compliance schedule and BWof matters issued 13 March 2012 to 30 November 2014	0
6	Infringement notices for compliance schedule and BWof matters issued 1 July 2008 to 12 March 2012	2
7	Infringement notices for compliance schedule and BWof matters issued 13 March 2012 to 30 November 2014	0

During the visit, QLDC staff members were interviewed and QLDC's records were reviewed to assess the adequacy and effectiveness of its systems. Also, the review team accompanied QLDC staff (from

Sue Anderson, Peter Laurenson, Murray Kennedy, Hans Arnestedt, Jason Wilkinson, Jeff Hodge, Ken Burroughs, Robbie Dick and Syd Dyer) on 7 on-site BWoF audits/inspections for a range of building types. The inspections were of the following buildings:

1. Remarkables Primary School and Early Childhood Centre, 49 Lake Ave, Frankton
2. Queenstown Events Centre and Lakes Leisure, 33 Joe O'Connell Dr, Frankton
3. Millbrook Country Club, Mallaghan Rd, Arrowtown
4. Liquor King, 52 Stanley St, Queenstown (example of recent new compliance schedule)
5. Reavers Lodge, 4 Reavers Lane, Queenstown
6. Frankton Hospital and Rest Home, 20 Douglas St, Frankton
7. Lakes Environmental, 74 Shotover St, Queenstown.

Findings

Positives
<ul style="list-style-type: none"> For the last 2 years, QLDC have been involved in the South Island IQP (independent qualified person) registration panel group which regularly meet (4 meetings/year) to discuss compliance schedule, BWoF and IQP issues. QLDC also attend meetings of the Southern BCA cluster group (for the southern part of the South Island). It was noted that QLDC uses a template, which had been developed by this cluster group, to assist IQPs (acting for owners) to provide quality, building-specific, specified system information when amending compliance schedules. QLDC have some public information relating to compliance schedules and BWoF requirements in hardcopy at front of house and also on QLDC's website. Information about individual compliance schedules, BWoFs and Form 12As is readily accessible to the public via Edocs on QLDC's website. Appreciated Building Services Manager accompanying MBIE on some of the on-site BWoF audits to see benefits and challenges when undertaking on-site BWoF audits. It was also good to see that the Manager identified the MBIE visit as a learning opportunity for 8 of his staff who, during the course of the 3 days, accompanied MBIE on the BWoF audits. Generally, the 'non- specified systems' (eg handheld hose reels, safety barriers, access/facilities for persons with disabilities) have been removed from existing compliance schedules. QLDC are proactive and send out BWoF reminders before the expiry date.

Opportunities for improvement
<ul style="list-style-type: none"> Employ additional staff to deal with compliance schedule and BWoF matters, including on-site BWoF audits. At present, the Building Support Coordinator spends about 0.25 of her time on compliance schedule and BWoF matters. MBIE suggests a total resource of 1.5 FTE (full-time employee) for these technical roles.

- Of the total of 604 compliances schedules, QLDC believes that almost all are required to be amended to include detailed specified system descriptions, and specific inspection, maintenance and reporting procedures in order to comply with the requirements of the Building Amendment Act 2012. These amendments were required to be completed by **March 2013**.
- Although not a prescribed form, it is suggested that the following amendments be made to the compliance schedule template:

- Delete 'Amended' from heading;
- Delete 'Highest fire hazard category for building use', this term is now redundant;
- Include the date, if and when, the compliance schedule is amended (perhaps with a brief description of the amendment, eg 'SS14.2 added, SS15.5 deleted');
- For 'Current, lawfully established use', it is more appropriate to use classified use(s) from Building Code clause A1 (eg 'Commercial') plus a lay-person's building-type description (eg 2 level restaurant and bar);
- Include the original compliance schedule issue date and delete the text 'Expiry xx/xx/xxxx' which is currently at the end of the compliance schedule;
- Allow for the attachment of plans, specified system data sheets, fire reports and photos of alarm panel schematics, to assist those not familiar with the building.

(A good practice compliance schedule template was forwarded to QLDC).

- Recommend QLDC carry out regular on-site BWoF audits.
 - MBIE's view is that it is good practice to have a 3 to 5 year cycle (20%-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. Therefore, it might be appropriate to have annual audits for budget accommodation (eg backpackers' hostel) and 5 yearly audits for low-occupancy industrial buildings;
 - On-site BWoF audits allows 1) the authenticity of IQPs' paperwork to be assessed 2) the accuracy of the compliance schedule to be checked against the installed specified systems (specifically to determine specified systems that either need to be deleted and/or added) and 3) the currency of the displayed BWoF to be checked;
 - All 7 buildings visited either needed specified systems to be deleted and/or added to the existing compliance schedule. For example, the Remarkables Primary School omitted the following specified systems: 3/3 - interfaced fire or smoke doors or windows, 7- automatic back-flow preventers, 14/2 - signs relating to a system or feature specified in any of clauses 1-13 and 15/3 fire separations, and included the following which were not seen on-site - 3/2 - access controlled doors and 13/2 - natural smoke control;
 - It is important that QLDC is seen to be a role model for the local building sector. Suggest carrying out audits of QLDC-owned or occupied buildings to ensure compliance.

(Copies of 'marked-up' compliance schedules and MBIE's completed audit sheets for all 7 buildings were handed to QLDC).

- Ensure passive fire systems (eg fire and smoke separations) are inspected wherever possible. These are difficult to identify and assess without for example a fire report and drawings attached to the compliance schedule. Of the 7 buildings visited, 3 appeared to have breaches of a fire separation - 1) ceiling penetrations in the basement garage (Reavers Lodge) and 2) floor penetrations within generator/plant room (Frankton Hospital and Rest Home) and between the caretaker's store room and upper level toilet facilities (Remarkables Primary School).

- Consider including direct links to MBIE's guidance documents *Compliance schedule handbook*¹ and *Owners' responsibilities to ensure their buildings are safe to use*² on QLDC's website. These links could also be included in correspondence to owners (eg BWoF reminder letters).
- Document policy and procedures for amending compliance schedules not captured by the building consent process and dealing with BWoFs, to reflect what QLDC actually do (preferably for all TA functions) and communicate it to all staff.
- Ensure building consent applicants provide detailed specified system descriptions, and the proposed inspection, maintenance and reporting procedures for these systems (including interfacing systems) before accepting building consent applications for processing. (Refer to the definition of 'plans and specifications' under s7 of the Building Act 2004).
- Consider issuing draft compliance schedules with building consents, which will satisfy the requirements of the Building Act 2004 and prescribed Form 5. (MBIE is of the view that the best time to compile a draft compliance schedule is during the processing of the building consent, as the processing officer is familiar with the plans and specifications, including the details of the proposed or altered specified systems). A draft compliance schedule, as mentioned in MBIE's *Compliance Schedule Handbook*, is particularly useful when a certificate for public use (CPU) is issued. The CPU can be conditioned to require the specified systems to be inspected and maintained, in the interim, in accordance with the draft compliance schedule until such time that the final compliance schedule can be issued with the code compliance certificate. (The draft compliance schedule is also a useful checklist/reference document which will assist the building inspector when undertaking the final inspection).
- Ensure that the detailed, building-specific information about specified systems, which is provided by IQPs on the Southern cluster group's amending compliance schedule form (eg Frankton Hospital/Rest Home and Millbrook Country Club) is included on the compliance schedule rather than the compliance schedule statement.
- Provide training to all building control officers around specified systems, compliance schedules, compliance schedule statements and BWoFs (including audits).
- Use NTFs and infringement notices as building control tools to address non-compliance(s). NTFs are a 'business-as-usual' tool and the NTF provisions specifically list contraventions for compliance schedules and BWoFs (where the TA has reasonable grounds) a NTF must be issued. Failure to comply with a NTF is liable of a fine upwards of \$200,000. Infringement fines range from \$250 to \$1000 depending on the offence. If compliance is achieved promptly, the TA always has the option to waive the infringement fee. (Refer to Wellington CC technical review report³ of 2012 which highlights the benefits of infringement notices as a building control tool).

¹ <http://www.dbh.govt.nz/compliance-documents#handbooks>

² <http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Building-Act/building-wof-guidance.pdf>

³ <http://www.dbh.govt.nz/technical-reviews#wellington>

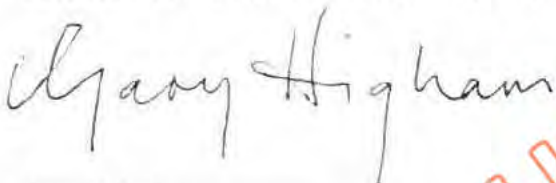
What's next?

At the conclusion of the 2014-15 round of technical reviews (13 TAs scheduled), MBIE will write and publish a report on its website which will summarise the review team's findings and any trends that have emerged so that TAs can check, adopt or modify their existing practises.

MBIE will do a follow-up visit in **2015** (date yet to be confirmed) to assess progress in dealing with the back-log.

Acknowledgement

MBIE would like to thank QLDC's building control management and staff for its cooperation and assistance during the technical review. We trust you have found the review to be of some value and have seen it as an opportunity to perhaps improve some of your building control activities.



Gary Higham
Senior Advisor (Consent System Team)

19 March 2015

Revisit of Queenstown Lakes DC (23-24 Feb '17) – progress report since MBIE's '15 technical review

On 23-24 February 2017, Mike Reedy and Gary Higham (Senior Advisors, Consent System team) revisited Queenstown Lakes District Council (QLDC) to see what progress had been made in implementing the recommendations of MBIE's technical review report of 19 March 2015. It should be noted that at MBIE's request, QLDC provided a progress report on the implementation of MBIE's recommendations via email, dated 14 March 2016, and this outlined the steps QLDC intended to take. MBIE's revisit was an opportunity to see how QLDC was tracking against their plan.

As a result of our discussions with QLDC staff (mainly Sue Anderson and Bill Nicoll), reviewing some recently issued new/amended compliance schedules, and checking the documents for 2 buildings previously audited by MBIE (CS0572 Remarkables Primary School and CS0753 Liquor King), here are our key findings in bullet-point form:

- QLDC currently has several vacancies for building control officers and are actively recruiting. Presently using several external contractors, including Holmes Farsight Ltd and Stu Geddes.
- The vacant Building Services Manager role is currently being shared by 4 senior staff. The position has been advertised and applications have recently closed.
- 6 staff members have recently attended the 3-day BOINZ compliance schedule/BWoF course facilitated by Chris Randell and held in Queenstown.
- QLDC is intending to appoint a Compliance Officer to specifically look after some TA functions (ie compliance schedules/BWoFs, swimming pools and earthquake-prone buildings).
- Sue Anderson advised that to date about a third of QLDC's compliance schedules had been reformatted to align with Christchurch CC's template, and amended to comply with the building-specific requirements of the Building Amendment Act 2012.
- Sue Anderson also advised that QLDC had adopted almost all of MBIE's report recommendations with the exception of 1) issuing a draft compliance schedule with the building consent and 2) undertaking on-site audits. (MBIE suggests QLDC should reconsider).
- QLDC are now requiring more specific information from designers and building consent applicants re specified system descriptions, detailed inspection, maintenance and reporting (IMR) procedures, including 'marked-up' floor plans. For example, there was evidence of this in amended compliance schedules CS0823 (Formatt Kitchens) and CS0806 (Aspiring Enliven Care Centre), plus new compliance schedule CS0817 (Pak N Save - Frankton). (QLDC were handed 'marked-up' documents with MBIE's comments and suggested edits).
- The specified system input sheet, developed by the Southern Building Control Group, has been modified and improved by QLDC to be more specific in its IMR procedures options (eg relevant sections of the Compliance Schedule Handbook are referenced for any given specified system). However, some options re IMR procedures are still too generic (eg C/AS1-7) and there is scope for greater specificity.
- QLDC are not undertaking on-site audits due to resourcing issues but mainly because they question the legislative need to do them as part of the enforcement of the BWoF system.
- At the request of QLDC and for training purposes, MBIE accompanied 4 staff members on an on-site audit of QLDC's Memorial Hall (CS0109). The audit revealed that 3 specified systems, which are on the latest amended compliance schedule (issued 29 June 2016), did not appear to be installed in the building (ie audio loops SS12/1, emergency warning intercommunication system SS15/1 and smoke separations SS15/5). MBIE handed Charlotte Bates a copy of the completed audit sheet for her information and possible follow-up.

Although there is evidence of building-specific information being included in recent new and amended compliance schedules, which are much improved on earlier versions, the task of updating all the remaining compliance schedules that QLDC have jurisdiction over is still 'a work in progress'.

Q.L.D.C BWOFF AUDIT RESPONSE TO M.I.B.E 14/03/16

Thank you for the provision of the report which details the result of the MBIE technical review visit to QLDC on 13-15 March 2015.

As you will be aware there has been a change of management here at QLDC with Peter Laurenson (incumbent manager at the time of the review) having moved to now work for MBIE. As the new Manager-Building Systems for QLDC I have had a briefing about what has been undertaken in the intervening period, having spoken to Peter, Murray and Sue about the progress made.

I also understand that Peter gave you a verbal report on the items as they stood by telephone discussion a few months ago.

So I would like now to provide you with a written response which covers the points raised in your report that were intended to be followed up. I will cover them generally in the order which they are raised in the report.

Staffing Resources

It is noted and agreed that we had a shortage of staff resources to attend to some of the tasks required around the BWOFF review and Compliance Schedule generation parts of the system.

- This has been addressed in the administration team by the addition of resources which will allow the re-issue of the full set of Compliance schedules which required upgrading in their description of systems as a result of the Building Amendment Act 2012.
- However the resources suggested to be required to undertake On-Site audits of BWOFF documentation and physical systems has not been advanced. There is a twofold reason for this
 1. The demands upon existing BCO staff dealing with a huge influx of consents and inspection work has meant there is no "spare" resource.
 2. The clarification and direction from MBIE around strong guidance or preferably legislative change which mandates a physical inspection regime to be undertaken by Local Territorial Authorities is awaited.

Compliance Schedules

Thank you for the assistance around clarifying the opportunities to improve the template used for the production of the compliance schedules. We have changed the template used largely based on the sample one you forwarded to us. So although some teething difficulties getting this working in our Tech-One computer system – we are on top of that, and the end result is better format documents now going out to the customers.

BWOF Audits (On-Site)

As discussed at the review meeting and contained in the letter which Peter Laurenson sent through to David Gittings (dated 2/03/2015) we are looking for further instruction relating to this matter. We currently do not undertake any on-site audits on a routine basis, which we understand is quite commonplace around other councils.

There is no argument about the fact that non-compliances can be found at a large number of buildings which have specified systems within them. There is general agreement within the industry about the quality of some of the inspections undertaken by the IQPs and also whether building owners are undertaking the checks they should be doing themselves.

However the sticking point which we have explained relates to the undertaking of On-Site inspections by a TA. We don't believe the current legislation clearly sets out the responsibility to the extent that this is required to be undertaken by the TA. This issue has been discussed with the councillors at QLDC and there is a realisation that there is a cost to undertaking this task. The cost can only be covered by a fee charge to individual building owners or paid for out of general rate funding. Our council does not wish to impose this additional level of cost and checking when there is a mandated independent IQP system already in place.

Our understanding is that there is an MBIE guidance document in production which will spell out the area of responsibility, and hopefully there is also legislation review planned to be undertaken to improve the regulatory framework around specified systems. We look forward to working with you as a result of that guidance.

Passive Systems

The aspect of ensuring passive fire systems are appropriately built and maintained is both important and difficult to achieve as is mentioned in the report. We valued the discussion and observations made whilst undertaking the bwof audits. Further to this we recently had training on passive fire by a Fire Engineer for all our Building Control staff.

Links to guidance documents

This is being implemented.

Document policy for amending compliance schedules

Policy now in Q.S.M manual to cover.

Building Consent applicants provide details of specified systems, inspections, and maintenance.

Already being done and checked prior to acceptance of building consent that this information is provided.

Draft Compliance Schedules

We are trying to get as much accurate information up front which is in effect a draft compliance schedule which does not change very much at the final inspection and issue of compliance schedule.

Detailed information on CS not CSS

After discussion with Sue – we didn't think this was actually occurring incorrectly as mentioned.

Provide training to all Building Control Officers that require it on compliance schedules.

Formulated into training plan.

N.T.F and infringement notices as Building Control tool for non - compliance.

Q.L.D.C has issued Notices to fix and infringement notices for general non -compliant work recently so if any non- compliant B.W.O.Fs are discovered we now have the mechanism to deal with the non- compliance.

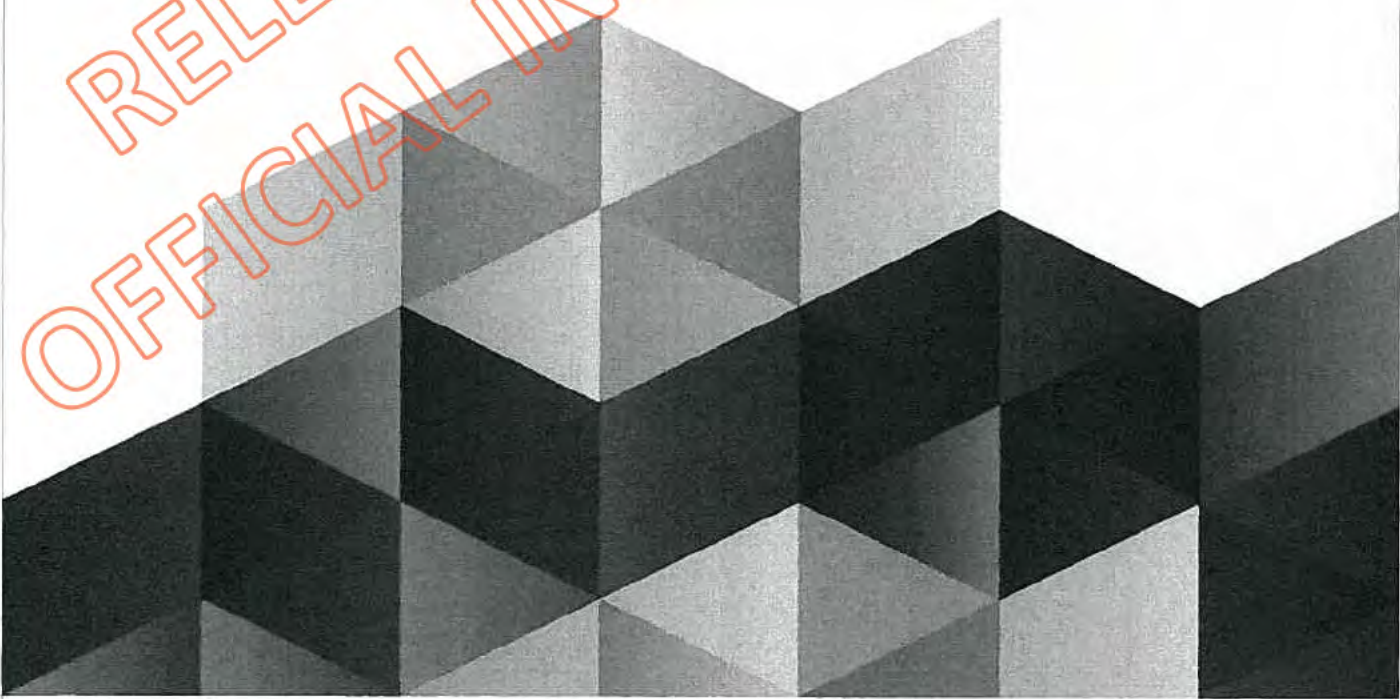
Stewart Geddes

Building Services Manager

**BUILDING
PERFORMANCE**

Ministry of Business, Innovation & Employment's Technical Review

Ruapehu District Council (24-26 May 2017)



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

New Zealand Government

Context

The Ministry of Business, Innovation and Employment (MBIE) carries out technical reviews of territorial authority (TA) functions as part of its ongoing performance monitoring function under the Building Act 2004.

Purpose

The purpose of the technical review was to monitor and assess the performance of Ruapehu District Council (RDC) in several of its TA functions - amending compliance schedules not captured by the building consent process, the enforcement of the building warrant of fitness (BWof) system, which includes on-site audits, notices to fix (NTFs) and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

Approach

2 members of MBIE's Consent System Team (Matt Grant and Clare Botha) undertook a 3 day technical review visit of RDC on 24-26 May 2017.

Before the visit, RDC provided the following statistical information.

	Subject	Total for the stated period
1	Buildings with compliance schedules at 28 February 2017	423
2	Amended compliance schedules issued 13 March 2012 to 28 February 2017	423
3	On-site BWof audits carried out 13 March 2012 to 28 February 2017	3 (2015/2016)
4	NTFs for compliance schedule and BWof matters issued 31 March 2005 to 12 March 2012	6
5	NTFs for compliance schedule and BWof matters issued 13 March 2012 to 28 February 2017	68
6	Infringement notices for compliance schedule and BWof matters issued 1 July 2008 to 12 March 2012	0
7	Infringement notices for compliance schedule and BWof matters issued 13 March 2012 to 28 February 2017	0

During the course of the technical review visit, RDC staff (from Sharon Adams, Bryan Jacobsen, Ellen Rann, Mike Hoeta and Paul Tocker) accompanied MBIE on a total of 7 on-site BWof audits/inspections for a range of building types. The inspections were of the following buildings:

1. Jasmines Thai Restaurant/Café, 43 Hakiha Street, Taumarunui
2. Mitre 10, 11 Maata Street, Taumarunui
3. War Memorial Hall, 149 Hakiha Street, Taumarunui
4. Tamariki Akoranga (Childcare Centre), 65 Huia Street, Taumarunui
5. Ruapehu College, 24-54 Tainui Street, Ohakune (example of draft compliance schedule – work yet to be undertaken)
6. Powderhorn Chateau, 194 Mangawhero Terrace, Ohakune
7. Taumarunui Fire Station, 28 Manuate Street, Taumarunui (example of a compliance schedule for a new-build, operating under a compliance schedule statement).

Findings

Positives

Over-arching comments

- MBIE commends RDC on the progress they have made updating their existing compliance schedules, which now include detailed inspection, maintenance and reporting procedures.

Staff and training

- RDC have a nominated BWoF and Building Administrator (Sharon Adams) whose duties include compliance schedule and BWoF matters.
- The BWoF and Building Administrator regularly attends meetings of the BWoF cluster group (Waikato).
- RDC regularly attend meetings of Central BOINZ Branch, and it is involved in the Go-Shift project.

Policies and procedures

- RDC have some documented processes for TA functions which include compliance schedule and BWoF matters.
- RDC proactively manages unoccupied/vacant buildings in accordance with MBIE guidance for buildings with compliance schedules by using either of 2 options: 1) Decommission and remove the specified systems (which is generally impractical) or 2) amend the compliance schedule to reflect an agreed reduced IMR procedures (between the TA and owner) for all installed specified systems.
- Proactive and sends BWoF reminders 1 month before expiry and again 1 week after expiry.

Draft compliance schedule

- RDC issue a 'draft compliance schedule' or 'draft amended compliance schedule' with the building consent (Form 5).

Public information

- RDC's website provides some information about compliance schedules and BWOFs.

Building Amendment Act 2012

- Based on the small sample of compliance schedules viewed by MBIE, 'non-specified systems', also known as 'the old passives' (eg access/facilities for persons with disabilities, fire hose reels, safety barriers) have been removed from existing compliance schedules.
- Evidence of detailed specified system descriptions (including their locations) and detailed IMR procedures included in compliance schedules. RDC's updated compliance schedules often include 'marked-up' drawings of the building.

On-site BWoF audits

- RDC has an audit check sheet however this is yet to be implemented as on-site audits are not undertaken.
- Appreciated the fact that RDC recognised MBIE's visit as a learning opportunity to see first-hand the challenges and benefits of undertaking on-site audits, which included a rapid 'walk-through' of the building.